

COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
EL PASO, TEXAS

	§	
IN RE: ARROW FREIGHT MANAGEMENT, INC.,	§	No. 08-11-00271-CV
Relator.	§	AN ORIGINAL PROCEEDING
	§	IN MANDAMUS

**MEMORANDUM OPINION ON PETITION FOR WRIT OF MANDAMUS**

Relator seeks a writ of mandamus to overturn an order denying its motion to compel arbitration pursuant to the Federal Arbitration Act (FAA). A writ of mandamus will issue only if the trial court clearly abused its discretion and if the relator has no adequate remedy by appeal. *In re Prudential Ins. Co. of America*, 148 S.W.3d 124, 135-36 (Tex. 2004). A party may take an interlocutory appeal from an order denying a motion to compel arbitration under the FAA. *See* TEX.CIV.PRAC.&REM.CODE ANN. § 51.016 (West Supp. 2010); *In re Merrill Lynch & Co., Inc.*, 315 S.W.3d 888, 891 n.3 (Tex. 2010)(orig. proceeding). Because Relator has an adequate remedy by appeal, the petition for a writ of mandamus is denied. *See In re H.D. Vest, Inc.*, 334 S.W.3d 333, 334 (Tex.App.--El Paso 2010, orig. proceeding). Relator's motion to stay is likewise denied.

September 28, 2011

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ANN CRAWFORD McCLURE, Justice

Before Chew, C.J., McClure, and Rivera, JJ.  
Chew, C.J., not participating