



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

IN RE: ROSA SERRANO,
INDIVIDUALLY AND D/B/A
THE LENS FACTORY,

Relator.

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No. 08-15-00284-CV

AN ORIGINAL PROCEEDING

IN MANDAMUS

MEMORANDUM OPINION

Relator, Rosa Serrano, has filed a petition for writ of mandamus seeking relief from a temporary restraining order, temporary injunction, and a contempt order entered by the Honorable Virgil Mulanax, Presiding Judge of the County Court at Law No. 7 of El Paso County, Texas. Relator has also filed a motion requesting that emergency relief. We deny the request for emergency relief and the relief sought by the mandamus petition.

Relator's petition is defective because it is not certified as required by TEX.R.APP.P. 52.3(j). Additionally, Relator has not filed a reporter's record of any of hearings, including the contempt hearing. *See* TEX.R.APP.P. 52.7(a). Even if Relator's petition was not defective, we would deny relief because Relator has not established her entitlement to mandamus relief. To be entitled to mandamus relief, Relator must meet two requirements. *In re Prudential Insurance Company of America, L.L.C.*, 148 S.W.3d 124, 135 (Tex. 2004); *Walker v. Packer*, 827 S.W.2d 833, 840 (Tex. 1992). First, she must show that the trial court clearly abused its discretion.

Prudential, 148 S.W.3d at 135. Second, she must demonstrate that there is no adequate remedy by appeal. *In re Prudential*, 148 S.W.3d at 135; *In re McAllen Medical Center, Inc.*, 275 S.W.3d 458, 462 (Tex. 2008). Relator has not made the required showing. Accordingly, we deny the motion for emergency relief and the petition for writ of mandamus.

September 16, 2015

ANN CRAWFORD McCLURE, Chief Justice

Before McClure, C.J., Rodriguez, and Hughes, JJ.
(Hughes, J., not participating)