



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

IN RE BENJAMIN JOSEPH GUTIERREZ,	§	No. 08-15-00314-CV
RELATOR.	§	ORIGINAL PROCEEDING ON PETITION FOR WRIT OF MANDAMUS
	§	
	§	

MEMORANDUM OPINION

Relator, Benjamin Joseph Gutierrez, has filed a *pro se* petition for writ of mandamus against the Honorable Laura Strathmann, Judge of the 388th District Court of El Paso County, Texas. He asks that we order Respondent to grant his motion to dismiss a pending modification action in cause number 2010CM094 filed by the Real Party in Interest, Araceli Jiminez. Relator has also filed a motion to stay proceedings in the trial court, including a pretrial hearing and the trial setting. We deny both the motion to stay and the petition for writ of mandamus.

To be entitled to mandamus relief, a relator must meet two requirements. First, the relator must show that the trial court clearly abused its discretion. *In re Prudential Insurance Company of America*, 148 S.W.3d 124, 135 (Tex. 2004). Second, the relator must demonstrate that there is no adequate remedy by appeal. *Id.* at 136. Based on the record before us, we conclude that Relator has not established he is entitled to mandamus relief. Accordingly, we

deny both the motion to stay and the petition for writ of mandamus.

October 14, 2015

YVONNE T. RODRIGUEZ, Justice

Before McClure, C.J., Rodriguez, and Hughes, JJ.
McClure, C.J., Not Participating