



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

	§	No. 08-16-00078-CV
IN RE	§	
	§	An Original Proceeding
MIDLAND FUNDING, LLC,	§	
	§	in Mandamus
RELATOR	§	
	§	
	§	

MEMORANDUM OPINION

Relator, Midland Funding, LLC, has filed a mandamus petition against the Honorable Carlos Villa, Judge of the County Court at Law No. 5 of El Paso, County, asking that the Court order Respondent to set aside the judgment entered in favor of Miguel Marquez, the Real Party in Interest, and to dismiss the *de novo* appeal from the Justice Court. We deny the petition for writ of mandamus.

To be entitled to mandamus relief, a relator generally 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.

On July 27, 2016, the Court issued its opinion granting mandamus relief. The Court granted Marquez's motion for rehearing and permitted him to file a response to the mandamus

petition. Based on the record before us, we conclude that Relator has failed to establish that it is entitled to mandamus relief. Accordingly, we deny the petition for writ of mandamus.

February 17, 2017

YVONNE T. RODRIGUEZ, Justice

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