



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

IN RE:	§	No. 08-17-00149-CV
	§	
DOLORES NARVAEZ, LUIS	§	An Original Proceeding
NARVAEZ, EDUARDO VELARDE,	§	
JOSE JUAN VELARDE, JULIETA	§	in Mandamus
DURAN, LUZ MAGDALENA	§	
ESCOBAR, AND JOSE ANTONIO	§	
VELARDE JUAREZ,	§	
RELATORS.	§	

MEMORANDUM OPINION

Relators, Dolores Narvaez, Luis Narvaez, Eduardo Velarde, Jose Juan Velarde, Julieta Duran, Luz Magdalena Escobar, and Jose Antonio Velarde Juarez, have filed a mandamus petition against the Honorable Stephen Ables, Presiding Judge of the 34th District Court of El Paso County, Texas, to challenge the order dismissing Relators' suit for lack of jurisdiction. We deny the petition for writ of mandamus.

Generally, mandamus relief is appropriate only to correct a clear abuse of discretion or to compel the performance of a ministerial duty, and where the relator has no adequate remedy by appeal. *In re Reece*, 341 S.W.3d 360, 364 (Tex. 2011)(orig. proceeding); *In re Prudential Insurance Company of America*, 148 S.W.3d 124, 135-36 (Tex. 2004)(orig. proceeding). The burden is on relator to show it is entitled to mandamus relief. *See In re Ford Motor Company*, 165 S.W.3d 315, 317 (Tex. 2005)(orig. proceeding); *Walker v. Packer*, 827 S.W.2d 833, 837 (Tex.

1992)(orig. proceeding). Relators also challenged the dismissal order by filing a direct appeal, and we affirmed the dismissal order by opinion and judgment issued this same date. *See Dolores Narvaez, Luis Narvaez, Eduardo Velarde, Jose Juan Velarde, Julieta Duran, Luz Magdalena Escobar, and Jose Antonio Velarde Juarez v. Darron Powell, Darron Powell PLLC, Hector Phillips, and Hector Phillips, P.C.*, No. 08-17-00157-CV (Tex.App.--El Paso July 13, 2018, no pet.h.). Thus, Relators had an adequate remedy by appeal. The petition for writ of mandamus is denied.

July 13, 2018

YVONNE T. RODRIGUEZ, Justice

Before McClure, C.J., Rodriguez, and Palafox, JJ.