



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

IN RE	§	No. 08-18-00214-CV
	§	
DISH NETWORK, LLC AND ECHOSPHERE, LLC,	§	AN ORIGINAL PROCEEDING
	§	
RELATORS	§	IN MANDAMUS

MEMORANDUM OPINION

Relators, DISH Network, LLC and Echosphere, LLC (referred to collectively as DISH) have filed a mandamus petition against the Honorable Selena Solis, Judge of the 243rd District Court of El Paso County, Texas, to challenge an order compelling pre-arbitration discovery and failing to rule on DISH's motion to compel arbitration. The petition for writ of mandamus is denied.

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). After reviewing the mandamus petition and record, and the response filed by the Real Party in Interest, we conclude that Relators have failed to show that they are

entitled to mandamus relief. Accordingly, we deny the petition for writ of mandamus.

August 21, 2019

YVONNE T. RODRIGUEZ, Justice

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