



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

IN RE: RENEE CUELLAR, DIRECTLY
AND DERIVATIVELY ON BEHALF OF
3 LEGENDARY TIGERS, LLC D/B/A
TIPSY TIGER AND D/B/A EPTX, §
Relator. §
§
§ No. 08-19-00035-CV
§ AN ORIGINAL PROCEEDING
§ IN MANDAMUS
§

MEMORANDUM OPINION

Relator, Renee Cuellar, Directly and Derivatively on Behalf of 3 Legendary Tigers, LLC d/b/a Tipsy Tiger and d/b/a EPTX, has filed a mandamus petition against the Honorable Francisco X. Dominguez, Judge of the 205th District Court of El Paso County, Texas. Cuellar is challenging Respondent's order granting a motion filed by the Receiver, Robert Sandoval, requesting the return of certain funds. Cuellar also filed a motion to stay the underlying proceedings. The motion for emergency relief and the petition for writ of mandamus are 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, we conclude that Relator has failed to show that she is entitled to mandamus relief. Accordingly, we deny the motion for emergency relief and the petition for writ of mandamus.

January 30, 2019

ANN CRAWFORD McCLURE, Chief Justice

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