



COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
EL PASO, TEXAS

IN RE:	§	No. 08-19-00184-CV
JOHN MAYTON,	§	AN ORIGINAL PROCEEDING
RELATOR.	§	IN MANDAMUS
	§	

**MEMORANDUM OPINION**

Relator, John Mayton, has filed a mandamus petition against the Honorable Ruben Morales, Judge of the County Court at Law No. 7 of El Paso County, Texas. Relator requests that the Court order Respondent to set aside an order granting a sworn motion to issue the writ of possession on the ground Relator failed to pay the required rent amounts into the registry of the court pending appeal. Relator has also filed an emergency motion asking that we stay execution of the writ of possession. The petition for writ of mandamus and the emergency motion 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 he is entitled to mandamus relief. Accordingly, we deny the emergency motion and the petition for writ of mandamus.

July 15, 2019

YVONNE T. RODRIGUEZ, Justice

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