



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

IN RE: § No. 08-19-00203-CV
RICHARD RECHY, § AN ORIGINAL PROCEEDING
Relator. § IN MANDAMUS AND
§ INJUNCTION
§

MEMORANDUM OPINION

Relator, Richard Rechy, has filed a petition seeking mandamus and injunctive relief against the Honorable Angie Barill, Judge of the 346th District Court of El Paso County, Texas related to the sale of a recreational vehicle at auction. Relator has also filed a motion asking the Court to stay the auction. The motion for emergency relief and the petition for writ of mandamus and injunction 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). The petition does not include an appendix and is not supported by a

record. *See* TEX.R.APP.P. 52.3(k), 52.7. After reviewing the petition, we conclude that Relator has failed to show that he is entitled to mandamus or injunctive relief. Accordingly, the motion for emergency relief and the petition are denied.

GINA M. PALAFOX, Justice

July 30, 2019

Before McClure, C.J., Rodriguez, and Palafox, JJ.
Rodriguez, J., not participating