

Opinion filed December 5, 2019



In The
Eleventh Court of Appeals

No. 11-19-00376-CV

**IN RE OFFICE OF THE ATTORNEY GENERAL
OF TEXAS**

Original Mandamus Proceeding

MEMORANDUM OPINION

Relator, the Office of the Attorney General of Texas (the OAG), filed this original petition for writ of mandamus in which it requests that we instruct the Honorable David W. Lindemood, Presiding Judge of the 318th District Court of Midland County, to vacate an order entered on October 25, 2019, in Cause No. FM65190. Relator also filed a motion in which it requested that we issue a temporary stay of the trial court's order.

Mandamus is warranted only when the trial court clearly abused its discretion and there is no adequate remedy by appeal. *In re N. Cypress Med. Ctr. Operating Co.*, 559 S.W.3d 128, 130 (Tex. 2018) (orig. proceeding). As the party seeking relief, the OAG has the burden to provide this court with a sufficient mandamus

record to establish a right to the requested relief. *See Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992) (orig. proceeding); *see also* TEX. R. APP. P. 52.7(a). From the record that has been presented, we are unable to determine that the OAG is entitled to the mandamus relief that it seeks.

We deny the petition for writ of mandamus. Because we have denied the petition for writ of mandamus, the OAG's request for a temporary stay of the trial court's order is moot.

PER CURIAM

December 5, 2019

Panel consists of: Bailey, C.J.,
Stretcher, J., and Wright, S.C.J.¹

Willson, J., not participating.

¹Jim R. Wright, Senior Chief Justice (Retired), Court of Appeals, 11th District of Texas at Eastland, sitting by assignment.