

Denied and Opinion Filed August 9, 2016.



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-16-00889-CV

IN RE JOHN PRICE, Relator

Original Proceeding from the 256th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DF-15-07681

MEMORANDUM OPINION

Before Justices Francis, Evans, and Stoddart
Opinion by Justice Evans

Before the Court is relator's petition for writ of mandamus in which he seeks extraordinary relief from the trial court's partial summary judgment order. The facts and issues are well known to the parties, so we need not recount them here.

To be entitled to mandamus relief, a relator must show both that the trial court has clearly abused its discretion and that relator has no adequate appellate remedy. *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). Based on the record before us, we conclude relator has not shown he is entitled to the relief requested. *See* TEX. R. APP. P. 52.8(a); *Walker v. Packer*, 827 S.W.2d 833, 839-40 (Tex. 1992) (orig. proceeding). Accordingly, we **DENY** relator's petition for writ of mandamus.

160889F.P05

/s/ David Evans

DAVID EVANS
JUSTICE