

DENY; and Opinion Filed November 14, 2016.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-16-01304-CV

IN RE RICHARD J. MALOUF, D.D.S., Relator

**Original Proceeding from the 14th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-15-14712**

MEMORANDUM OPINION

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

Before the Court is relator's November 3, 2016 petition for writ of mandamus in which he seeks review of the trial court's order striking relator's jury demand. The facts and issues are well known to the parties, so we need not recount them herein.

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); *see also Walker v. Packer*, 827 S.W.2d 833, 839-40 (Tex. 1992) (orig. proceeding). Accordingly, we deny relator's petition for writ of mandamus.

/s/Douglas S. Lang/
DOUGLAS S. LANG
JUSTICE