

Denied and Opinion Filed October 20, 2017



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-17-01161-CV

IN RE YVONNE BROWN, Relator

Original Proceeding from the 191st Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-00-03596

MEMORANDUM OPINION

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

In this original proceeding, relator seeks review of a 2001 final judgment dismissing for want of jurisdiction her request for de novo review of the Texas Board of Nursing's April 13, 2000 order revoking relator's professional nursing license. 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 she is entitled to the relief requested.

The order from which relator seeks relief is a final, appealable order. Relator, therefore, had an adequate remedy by appeal in 2001, which she exercised by filing a notice of appeal in 2001. She failed to pay the filing fee, however, and this Court dismissed the case for want of prosecution. *Brown v. Texas Bd. of Nurse Examiners*, No. 05-01-01200-CV, 2001 WL 1264175, at *1 (Tex. App.—Dallas Oct. 23, 2001, no pet.). This Court also denied relator's two prior

petitions for writ of mandamus seeking the same relief sought in this original proceeding. *In re Brown*, No. 05-01-01656-CV, 2001 WL 1264184 (Tex. App.—Dallas Oct. 23, 2001, orig. proceeding); *In re Brown*, No. 05-05-01031-CV, 2005 WL 1793219 (Tex. App.—Dallas July 29, 2005, orig. proceeding). Further, relator waived any right to seek extraordinary relief by waiting sixteen years to file this original proceeding. *See In re Pendragon Transp. LLC*, 423 S.W.3d 537, 540 (Tex. App.—Dallas 2014, orig. proceeding) (mandamus relief denied where relator waited over six months to seek mandamus without justification).

Accordingly, we deny relator’s petition for writ of mandamus. . *See* TEX. R. APP. P. 52.8(a) (the court must deny the petition if the court determines relator is not entitled to the relief sought).

/s/Craig Stoddart/

CRAIG STODDART
JUSTICE

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