

Denied and Opinion Filed January 9, 2018



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-18-00023-CV

IN RE ROBERT TAYLOR AND LISA TAYLOR, Relators

Original Proceeding from the County Court at Law No. 5
Dallas County, Texas
Trial Court Cause No. CC-17-04973-E

MEMORANDUM OPINION

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

In this original proceeding, relators complain that the trial court abated the underlying case for a brief, definite time before ruling on relators' motion to dismiss the real party in interest's bill of review. Relators seek a writ of mandamus directing the trial court to rule on relators' motion to dismiss. 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 relators have not shown they are entitled to the relief requested. Accordingly, we deny relators' 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).

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/David Evans/

DAVID EVANS
JUSTICE