

DENY; and Opinion Filed April 24, 2018.



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

No. 05-18-00395-CV

IN RE PETER BEASLEY, Relator

**Original Proceeding from the 296th Judicial District Court
Collin County, Texas
Trial Court Cause No. 296-05741-2017**

MEMORANDUM OPINION

Before Justices Bridges, Brown, and Boatright
Opinion by Justice Boatright

In this original proceeding, relator complains that the trial court refused to hold a hearing on relator's Rule 12 Motion to Show Authority and refused to rule on the motion before the trial court granted the real parties in interest's motion to transfer venue.

In his petition, relator cites several legal authorities in support of the proposition that he is entitled to due process, but the only authority he cites in his argument that the trial court was required to hold a hearing and rule on his motion prior to transferring venue is *Air Park-Dallas Zoning Committee. v. Crow Billingsley Airpark, Ltd.*, 109 S.W. 3d 900, 912 (Tex. App.—Dallas 2003, no pet.). In that case, relator explains, we held that rule 12 challenges must be allowed as soon as practicable after new or different counsel attempts to appear in a case. However, relator does not attempt to show that *Air Park* supports the proposition that the trial court was required to hold a hearing and rule on his motion before transferring venue, and we do not conclude that it does.

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). Because relator has failed to make both showings, he is not entitled to mandamus relief. Having determined that the relator is not entitled to the relief sought, we deny the petition for writ of mandamus. TEX. R. APP. P. 52.8(a).

/Jason Boatright/
JASON BOATRIGHT
JUSTICE

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