

DENY; and Opinion Filed July 25, 2018.



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

No. 05-18-00816-CV

IN RE ROBERT GARZA, Relator

**Original Proceeding from the 469th Judicial District Court
Collin County, Texas
Trial Court Cause No. 469-50355-2013**

MEMORANDUM OPINION

Before Justices Lang-Miers, Fillmore, and Stoddart
Opinion by Justice Fillmore

In this original proceeding, relator seeks a writ of mandamus directing the trial court to vacate its order denying relator's motion to disqualify the real party in interest's counsel and to issue an order granting the motion. 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 that the trial court abused its discretion. 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).

/Robert M. Fillmore/
ROBERT M. FILLMORE
JUSTICE