

Denied and Opinion Filed October 8, 2018



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-18-00818-CV

IN RE SHERRY RHODES, Relator

Original Proceeding from the 382nd Judicial District Court
Rockwall County, Texas
Trial Court Cause No. 1-09-843

MEMORANDUM OPINION

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

In this original proceeding, relator seeks a writ of mandamus directing the trial court to issue findings of fact and conclusions of law. To be entitled to mandamus relief, a relator must show that the trial court clearly abused its discretion and there is no adequate remedy on appeal. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135–36 (Tex. 2004). Relator may raise the issues complained of in the direct appeals already pending before this Court in cause numbers 05-18-00163-CV and 05-18-00164-CV. Relator, therefore, has an adequate remedy on appeal. *See In re Morgan*, No. 08-16-00126-CV, 2016 WL 4013777, at *1 (Tex. App.—El Paso July 27, 2016, orig. proceeding) (mem. op.) (denying petition seeking writ directing trial court to file findings of fact and conclusions of law because relator could raise an issue in the direct appeal regarding the trial court's alleged failure to enter written findings and conclusions); *see also In re Schindler Elevator Corp.*, No. 05-16-01172-CV, 2016 WL 5884943, at *1 (Tex. App.—Dallas Oct. 10, 2016, orig. proceeding) (mem. op.) (“relator has an adequate remedy by appeal because it can raise an

issue on direct appeal regarding the trial court's failure to make findings and conclusions") (citing *Morgan*). Accordingly, we deny the petition for writ of mandamus because relator has failed to demonstrate that she is entitled to mandamus relief.

/Craig Stoddart/

CRAIG STODDART
JUSTICE

180818F.P05