

Denied and Opinion Filed December 19, 2018



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

No. 05-18-01183-CV

IN RE JAMES DONDERO, Relator

**Original Proceeding from the 256th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DF-11-16417**

MEMORANDUM OPINION

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

In this original proceeding, relator complains of the trial court's July 23, 2018 temporary order granting real party in interest's motion for monthly payment by relator of the appellate attorney's fees incurred by the real party in interest during the course of relator's appeal of certain orders. 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 he is entitled to the relief requested. See *In re Jafarzadeh*, No. 05-14-01576-CV, 2015 WL 72693, at * 2–3 (Tex. App.—Dallas Jan. 2, 2015, orig. proceeding) (denying petition for writ of mandamus because the mandamus record did not “include any evidence suggesting that the trial court's temporary order pending appeal was not in the best interest of the children or that the amount ordered by the trial court was an effort to “set a price” on appeal to discourage resort to appeal”).

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).

/Craig Stoddart/
CRAIG STODDART
JUSTICE

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