

DENY; and Opinion Filed November 16, 2018.



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

No. 05-18-01336-CV

IN RE TUNAD ENTERPRISES, INC., Relator

**Original Proceeding from the 417th Judicial District Court
Collin County, Texas
Trial Court Cause No. 417-00618-2016**

MEMORANDUM OPINION

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

Before the Court is relator's petition for writ of mandamus in which relator complains of an order denying relator's Rule 91a motion to dismiss. The denial of a Rule 91a motion to dismiss is subject to mandamus review. *In re Essex Ins. Co.*, 450 S.W.3d 524, 526 (Tex. 2014). 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). Although relator recited that standard of review in its petition, it did not attempt to identify anything the trial court did that was a clear abuse of discretion, nor did relator attempt to explain why it has no adequate appellate remedy. Because relator's petition did not make its required showing, we must deny the petition. TEX. R. APP. P.

52.8(a). Accordingly, we deny relator's petition for writ of mandamus.

/Jason Boatright/
JASON BOATRIGHT
JUSTICE

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