

**DENY; and Opinion Filed November 16, 2018.**



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

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**No. 05-18-01389-CV**

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**IN RE LE-VEL BRANDS, LLC, Relator**

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**Original Proceeding from the 380th Judicial District Court  
Collin County, Texas  
Trial Court Cause No. 380-05753-2018**

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**MEMORANDUM OPINION**

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

Before the Court is relator's November 15, 2018 petition for writ of mandamus in which relator contends the trial court abused its discretion by issuing a November 2, 2018 temporary restraining order and finding relator in contempt on November 14, 2018 for violating the temporary restraining order. 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 the temporary restraining order expires today, relator's contention regarding that order is moot; and because the underlying case has been abated, the trial court cannot enforce the contempt order until the abatement is lifted. We therefore conclude that relator has not shown it is entitled to the relief requested. We must deny a petition for mandamus if we determine that a relator is not

entitled to relief. TEX. R. APP. P. 52.8(a). Accordingly, we deny relator's petition for writ of mandamus.

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/Jason Boatright/  
JASON BOATRIGHT  
JUSTICE

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