

Denied; Opinion Filed September 23, 2019



In the
Court of Appeals
Fifth District of Texas at Dallas

No. 05-19-00302-CV

IN RE DAVID R. BARNES, Relator

Original Proceeding from the 302nd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DF-11-11126

MEMORANDUM OPINION

Before Justices Bridges, Schenck, and Carlyle
Opinion by Justice Carlyle

Before the Court are relator's March 11, 2019 petition for writ of mandamus and March 19, 2019 supplement to his petition. Relator requests we vacate or set aside the trial court's December 21, 2018 temporary orders reducing relator's possession of his children. Alternatively, relator states that if we decline to consider his petition, he seeks an order compelling the trial court to provide him access to a transcript of the court's *in camera* interview of the children, as well as, copies of the Family Court Service's interviews with the children, and emails provided to the associate judge by the children's counselor.

To be entitled to mandamus relief, 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. of Am.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). After reviewing the petition, supplement, and the mandamus record, we conclude relator has not shown he is entitled to the relief requested. We note that our resolution of this petition for writ of mandamus and relator's

complaints do not require the transcript of the *in camera* interview or other documents relator requests, nor is there a suggestion that these items are necessary for relator's complaints or argument.

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).

/Cory L. Carlyle/
CORY L. CARLYLE
JUSTICE

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