

Denied; Opinion Filed September 24, 2019.



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-19-00718-CV

IN RE R.P.D. JR., Relator

Original Proceeding from the 256th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DF-18-23826

MEMORANDUM OPINION

Before Justices Whitehill, Partida-Kipness, and Pedersen, III
Opinion by Justice Partida-Kipness

Before the Court is relator’s June 19, 2019 petition for writ of mandamus challenging the trial court’s May 31, 2019 order requiring relator to pay interim attorney’s fees to real party in interest “for the safety and welfare of the [child]” in the suit affecting the parent-child relationship (SAPCR) portion of the underlying divorce proceeding. *See* TEX. FAM. CODE ANN. § 105.001(a)(5) (court may make temporary order for the safety and welfare of the child, including an order for payment of reasonable attorney’s fees and expenses). We requested a response to the petition and real party in interest filed her response on August 28, 2019. After reviewing the parties’ filings and the mandamus record, we deny the relief requested.

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, the

mandamus record, and real party's response, we conclude relator has not shown he is entitled to the relief requested.

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).

/Robbie Partida-Kipness/
ROBBIE PARTIDA-KIPNESS
JUSTICE

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