

DENY and Opinion Filed November 20, 2019



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

No. 05-19-01305-CV

IN RE ERIC DRAKE, Relator

**Original Proceeding from the County Court at Law No. 3
Dallas County, Texas
Trial Court Cause No. CC-19-05212-C**

MEMORANDUM OPINION

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

Relator Eric Drake is a vexatious litigant subject to a prefiling order. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 11.101(a). Before the Court is relator's pro se October 28, 2019 petition for writ of mandamus and November 12, 2019 amended writ of mandamus petition: (1) directing the trial court to vacate its October 15, 2019 order of dismissal, (2) directing the statutory county court local administrative law judge to vacate her October 15, 2019 order and October 23, 2019 amended order denying relator permission to file the lawsuit pursuant to section 11.102 of the civil practice and remedies code, (3) directing the district court local administrative judge to vacate his October 28, 2019 order and (4) seeking additional relief.

To be entitled to mandamus relief, relator must show 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 and mandamus record, we conclude relator has not shown he is entitled to the relief requested.

Accordingly, we deny relator's petition for writ of mandamus and amended writ of mandamus petition. *See* TEX. R. APP. P. 52.8(a) (the court must deny the petition if court determines relator is not entitled to relief sought).

/Leslie Osborne/
LESLIE OSBORNE
JUSTICE

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