

Deny and Opinion Filed October 21, 2021



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

No. 05-21-00899-CV

IN RE KYLE CHRON, Relator

**Original Proceeding from the 219th Judicial District Court
Collin County, Texas
Trial Court Cause No. 219-05269-2021**

MEMORANDUM OPINION

Before Justices Molberg, Reichek, Smith
Opinion by Justice Reichek

In his October 18, 2021 petition for writ of mandamus, relator challenges the trial court's October 6, 2021 Ex Parte Temporary Restraining Order and Order Setting Hearing and its October 6, 2021 Amended Order Extending Temporary Restraining Order and Setting Hearing.

Based on our review of the petition and attached documents, we conclude that relator has failed to demonstrate that he sought relief in the trial court for the alleged abuse of discretion before bringing his petition for writ of mandamus before this court. Accordingly, we deny the petition for writ of mandamus without prejudice to refile a petition with a record that reflects that the predicate request requirement has been met. *See In re Coppola*, 535 S.W.3d 506, 50 (Tex. 2017) (orig. proceeding)

(due to extraordinary nature of remedy, mandamus relief generally requires predicate request for action by respondent, and respondent's erroneous refusal to act). Accordingly, we deny the motion to stay as moot.

/Amanda L. Reichek/
AMANDA L. REICHEK
JUSTICE

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