

DENY and Opinion Filed March 29, 2022



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

No. 05-22-00238-CV

IN RE TRENT S. GRIFFIN, Relator

**Original Proceeding from the 101st Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-13-05893**

MEMORANDUM OPINION

Before Justices Osborne, Partida-Kipness, and Smith
Opinion by Justice Partida-Kipness

In this original proceeding, relator seeks a writ of mandamus compelling the trial court to rule on his pending motion for default judgment. In the alternative, he seeks a writ of prohibition or injunction barring respondent or others from issuing judgments or orders that directly conflict with this Court's opinions from prior appeals arising out of the underlying proceeding. Based on our review of the petition and record before us, we conclude relator has not shown he is entitled to the relief requested.

Entitlement to mandamus relief requires relator to show that the trial court clearly abused its discretion and that he lacks an adequate appellate remedy. *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). We

conclude that relator is not entitled to a writ of mandamus because he has failed to demonstrate an abuse of discretion.

A writ of prohibition is a limited purpose remedy used to enable an appellate court to protect and enforce its jurisdiction and judgments. *Holloway v. Fifth Court of Appeals*, 767 S.W.2d 680, 683 (Tex. 1989) (orig. proceeding); *In re Herrera*, No. 05-14-00394-CV, 2014 WL 1477922, at *1 (Tex. App.—Dallas April 14, 2014, orig. proceeding) (mem. op.). We conclude that relator has presented no basis for this Court to issue a writ of prohibition here.

Finally, a court of appeals does not have original jurisdiction to grant writs of injunction, “except to protect its jurisdiction over the subject matter of a pending appeal, or to prevent an unlawful interference with the enforcement of its judgments and decrees.” *In re Torres*, No. 05-18-00774-CV, 2018 WL 4784580, at *1 (Tex. App.—Dallas Oct. 4, 2018, orig. proceeding) (mem. op.) (quoting *Ott v. Bell*, 606 S.W.2d 955, 957 (Tex. App.—Waco 1980, no writ)). Because there is no pending appeal associated with this original proceeding, we conclude that relator has not shown that a writ of injunction is necessary.

Accordingly, we deny relator's petition for writs of mandamus, prohibition, and injunction. *See* TEX. R. APP. P. 52.8(a).

/Robbie Partida-Kipness/
ROBBIE PARTIDA-KIPNESS
JUSTICE

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