

DENY and Opinion Filed August 9, 2022



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

No. 05-22-00645-CV

IN RE KENDALL MERLO, Relator

**Original Proceeding from the Probate Court No. 2
Dallas County, Texas
Trial Court Cause No. PR-18-03799-2**

MEMORANDUM OPINION

Before Justices Molberg, Pedersen, III, and Garcia
Opinion by Justice Garcia

In this original proceeding, relator Kendall Merlo asks this Court for a petition for writ of mandamus ordering the probate court to vacate its May 10, 2022 Order Appointing Guardian ad Litem and its June 10, 2022 combined Order Denying the Motion to Set Aside Order Appointing Guardian ad Litem and Amended Order Appointing Guardian ad Litem and Expanding Powers. Before the Court is also relator's Motion to Consolidate Petition for Writ of Mandamus with Related Appeal (Motion to Consolidate).

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

proceeding). After reviewing relator's petition and record, we conclude that relator has failed to demonstrate a clear abuse of discretion.

Accordingly, we deny the petition for writ of mandamus. *See* TEX. R. APP. P. 52.8(a). We also deny the Motion to Consolidate as moot.

/Dennise Garcia/

DENNISE GARCIA
JUSTICE

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