

DENY and Opinion Filed September 7, 2022



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

No. 05-22-00801-CV

IN RE TODD SAYLES, Relator

**Original Proceeding from the 162nd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-20-17366**

MEMORANDUM OPINION

Before Justices Myers, Nowell, and Goldstein
Opinion by Justice Myers

In this original proceeding, relator Todd Sayles seeks a writ of mandamus compelling the trial court to (1) reverse the dismissal of his causes of action and claims for want of prosecution with prejudice and (2) vacate the order striking his answer and counterclaim. 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. of Am.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding).

After reviewing the petition and the record before us, we conclude that relator has failed to demonstrate his entitlement to the relief requested. Accordingly, we

deny the petition for writ of mandamus. *See* TEX. R. APP. P. 52.8(a). Having denied the petition, we also deny relator's motion for temporary relief as moot.

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/Lana Myers//

LANA MYERS
JUSTICE