

DENIED and Opinion Filed September 14, 2022



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

No. 05-22-00894-CV

IN RE CALEB MOORE, Relator

**Original Proceeding from the County Court at Law No. 5
Dallas County, Texas
Trial Court Cause No. CC-22-02528-E**

MEMORANDUM OPINION

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

Before the Court is relator Caleb Moore's September 12, 2022 petition seeking a writ of mandamus compelling the trial court to make a finding, whether by judicial notice or other means, of its docket conditions during the first sixty days after relator filed his motion to dismiss pursuant to the Texas Citizens Participation Act.

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 entitlement to mandamus relief.

Accordingly, we deny the petition for writ of mandamus. *See* TEX. R. APP. P. 52.8(a).

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/Dennise Garcia//
DENNISE GARCIA
JUSTICE