

Opinion issued September 10, 2020



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-20-00569-CV

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**IN RE BRITTANY HAINESWORTH, Relator**

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**Original Proceeding on Petition for Writ of Mandamus**

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**MEMORANDUM OPINION**

Relator, Brittany Hainesworth,<sup>1</sup> has filed a petition for writ of mandamus challenging the trial court’s order striking a hearing, set by relator, to “Set Aside Modify, and/or for Additional Temporary Orders” in the underlying suit affecting the parent-child relationship.

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<sup>1</sup> The underlying case is *In the Interest of M.J., II, a Minor Child*, Cause No. 103459-F, in the 461st District Court of Brazoria County, Texas, the Honorable Patrick Bulanek presiding.

We deny relator’s petition for writ of mandamus.

Mandamus is an extraordinary remedy that is only available in limited circumstances. *See Walker v. Packer*, 827 S.W.2d 833, 839–40 (Tex. 1992). To be entitled to mandamus relief, relator must show both that the trial court clearly abused its discretion and that no adequate remedy by appeal exists. *See In re Kansas City S. Indus., Inc.*, 139 S.W.3d 669, 670 (Tex. 2004). “An appeal is inadequate when it comes too late to correct the [trial] court’s error without the loss of substantial rights to the complaining party.” *Id.*

Here, relator has failed to demonstrate that her “appellate remedy will cause the permanent loss of substantial rights.” *Id.* Accordingly, we deny relator’s petition for writ of mandamus. *See* TEX. R. APP. P. 52.8 (a), (d). All pending motions are dismissed as moot.

**PER CURIAM**

Panel consists of Chief Justice Radack and Justices Hightower and Adams.