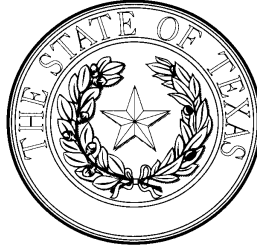


Opinion issued February 9, 2021



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

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NO. 01-20-00815-CV

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**IN RE GERARD THOMAS GABEL, Relator**

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

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**MEMORANDUM OPINION**

Relator, Gerard Thomas Gabel, has filed a petition for a writ of mandamus, asserting that the trial court abused its discretion in entering temporary orders in a suit to modify the parent-child relationship brought against him by real party in interest, Tracey Gabel Koehne.<sup>1</sup>

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<sup>1</sup> The underlying case is *Tracey Gabel Koehne v. Gerard Thomas Gabel*, Cause No. 2010-74676, in the 312th District Court of Harris County, Texas, the Honorable Clinton E. Wells, Jr. 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, the relator must show both that the trial court abused its discretion and that there is no adequate remedy by appeal. *See In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135–36 (Tex. 2004).

Because temporary orders in a suit to modify the parent-child relationship are not appealable, a petition for writ of mandamus is an appropriate means to challenge such orders. *See In re Herring*, 221 S.W.3d 729, 730 (Tex. App.—San Antonio 2007, orig. proceeding). However, relator has failed to meet his burden to establish an abuse of discretion of the trial court. *See Walker*, 827 S.W.2d at 840 (abuse of discretion exists where trial court “reaches a decision so arbitrary and unreasonable as to amount to a clear and prejudicial error of law”).

Accordingly, we deny relator’s petition for writ of mandamus. All pending motions are dismissed as moot.

**PER CURIAM**

Panel consists of Chief Justice Radack and Justices Goodman and Farris.