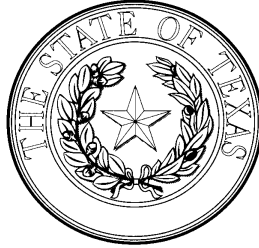


Opinion issued December 20, 2022



In The
Court of Appeals
For The
First District of Texas

NO. 01-22-00902-CV

IN RE FELIPE N GOMEZ, Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

Relator Felipe N. Gomez has filed a petition for writ of mandamus asking this Court to order the trial court to vacate the final judgment signed on November 18, 2022 and to order the Harris County District Clerk to correct the docket to show that

the order on Gomez's nonsuit was not an order of partial nonsuit.¹ A response was filed. We deny the petition.

This Court has no power to grant mandamus relief against a district clerk except to enforce our jurisdiction. *See* TEX. GOV'T CODE § 22.221(a); *In re Hicks*, No. 01-21-00186-CV, 2021 WL 1618461, at *1 (Tex. App.—Houston [1st Dist.] Apr. 27, 2021, orig. proceeding). Accordingly, we must deny the petition to the extent it seeks relief against the Harris County District Clerk.

Moreover, Gomez has not established his entitlement to mandamus relief. To show his entitlement to mandamus relief, Gomez must show both that the trial court abused its discretion and that he lacks an adequate remedy by appeal. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135–36 (Tex. 2004). In connection with establishing his right to relief, Gomez had to provide this Court with a record sufficient to establish that the trial court abused its discretion. *See Walker v. Packer*, 827 S.W.2d 833, 839–40 (Tex. 1992).

Gomez has not presented a record sufficient to establish an abuse of discretion by the trial court in signing the final judgment of November 18, 2022. Although Gomez complains that the trial court lacked jurisdiction after entering an order of nonsuit, Gomez has failed to provide documents to support his argument.

¹ The underlying case is *Felipe Gomez A/K/A Gelipe Nery Gomez v. University of Houston*, cause number 22-59121, pending in the 189th District Court of Harris County, Texas, the Honorable Scot Dollinger presiding.

Gomez has also not shown that he lacks an adequate remedy by appeal of this judgment. Whether a remedy by appeal is adequate is “a proxy for the careful balance of jurisprudential considerations that determine when appellate courts will use original mandamus proceedings to review the actions of lower courts.” *Prudential*, 148 S.W.3d at 136. “An appellate remedy is ‘adequate’ when any benefits to mandamus review are outweighed by the detriments.” *Id.* Gomez has not shown that his remedy by appealing the trial court’s November 18, 2022 judgment is inadequate.

Accordingly, we deny the petition. *See* TEX. R. APP. P. 52.8. Any pending motions are dismissed as moot.

PER CURIAM

Panel consists of Justices Goodman, Hightower, and Guerra.