

**Petition for Writ of Mandamus Denied and Memorandum Opinion filed December 2, 2010.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-10-01139-CV**

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**EDWARD R. NEWSOME, Relator**

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**ORIGINAL PROCEEDING  
WRIT OF MANDAMUS  
234th District Court  
Trial Court Cause No. 2005-06163**

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**MEMORANDUM OPINION**

On November 22, 2010, relator Edward R. Newsome filed paperwork that we construe as a petition for writ of mandamus. *See* Tex. Gov't Code § 22.221; *see also* Tex. R. App. P. 52. Relator refers to a final judgment in a civil suit that was appealed to this court. *See Newsome v. St. Luke's Hosp.*, 2007 WL 1558759, No. 14-06-01149-CV (Tex. App.—Houston [14th Dist.] May 31, 2007, no pet.). Relator appears to be seeking to further litigate this suit.

Mandamus relief is available if the trial court abuses its discretion, either in resolving factual issues or in determining legal principles, when there is no other adequate remedy by law. *Walker v. Packer*, 827 S.W.2d 833, 839-40 (Tex. 1992). A trial court abuses its discretion if it reaches a decision so arbitrary and unreasonable as to amount to a clear and prejudicial error of law, or if it clearly fails to analyze or apply the law correctly. *In re Cerberus Capital Mgmt., L.P.*, 164 S.W.3d 379, 382 (Tex. 2005). The relator has the burden to present a petition and record showing that he is entitled to mandamus relief. *See* Tex. R. App. P. 52.3, 52.7; *In re Houstonian Campus, L.L.C.*, 312 S.W.3d 178, 187 (Tex. App.—Houston [14th Dist.] 2010, orig. proceeding).

Relator has not established that he is entitled to relief. Accordingly, we deny relator's petition for writ of mandamus.

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Yates and Brown.