

Petition for Writ of Mandamus Denied and Memorandum Opinion filed February 1, 2011.



In The

**Fourteenth Court of Appeals**

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NO. 14-11-00060-CV

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**RALPH O. DOUGLAS, Relator**

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**ORIGINAL PROCEEDING  
WRIT OF MANDAMUS  
129th District Court  
Harris County, Texas  
Trial Court Cause No. 2001-55507**

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**MEMORANDUM OPINION**

On January 20, 2011, relator Ralph O. Douglas, a *pro se* inmate appearing *in forma pauperis*, filed a petition for writ of mandamus in this court. *See* Tex. Gov't Code § 22.221; *see also* Tex. R. App. P. 52. Douglas complains that respondent, the Honorable Michael Gomez, presiding judge of the 129th District Court of Harris County, has failed to rule on his motion for entry of a default judgment against Linda Porter in the underlying action styled *Ralph O. Douglas v. Linda Porter and Marcelyn Curry*, in cause number 2001-55507.

The trial court signed a final judgment in cause number 2001-55507 on December 15, 2009. *See Lehmann v. Har-Con*, 39 S.W.3d 191, 200 (Tex. 2001) (holding that if the intent to finally dispose of the case is unequivocally expressed in the order, it is final and appealable). Douglas has perfected an appeal from the final judgment, and his appeal is currently pending before this court under our case number 14-10-00055-CV.

Mandamus relief is available only to correct a clear abuse of discretion for which the relator has no adequate remedy by appeal. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004). We hold that Douglas had an adequate remedy when he appealed that final judgment.

Accordingly, we deny Douglas's petition for writ of mandamus.

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Frost and Christopher.