

Petition for Writ of Mandamus Denied and Memorandum Opinion filed September 22, 2011.



In The

Fourteenth Court of Appeals

NO. 14-11-00792-CV

IN RE FRIEDA WILSON, Relator

ORIGINAL PROCEEDING
WRIT OF MANDAMUS
County Court at Law
Waller County, Texas
Trial Court Cause No. 10-06-20425

MEMORANDUM OPINION

On September 14, 2011, relator filed a petition for writ of mandamus in this court. *See* Tex. Gov't Code Ann. § 22.221 (Vernon 2004); *see also* Tex. R. App. P. 52. In the petition, relator asks this court to compel the Honorable June Jackson, presiding judge of the County Court at Law of Waller County, to set aside her ruling granting a protective order.

An order granting a protective order is appealable. *In re Keck*, 329 S.W.3d 658, 661 (Tex. App. – Houston [14th Dist.] 2010, orig. proceeding). Section 81.009 of the Texas Family Code provides a protective order rendered under subtitle B, as in the instant case, may be appealed unless it is rendered against a party in a suit for dissolution of a marriage or in a suit affecting the parent-child relationship (“SAPCR”). Tex. Fam. Code § 81.009 (West 2008). If either of the exceptions applies, then appeal of the protective order must await issuance of a final, appealable order in the underlying case. *Keck*, 329 S.W.3d at 661. Although a SAPCR was pending at the time the application for a protective order was filed, it was filed in a different court (the Civil District Court of Orleans Parish in Louisiana) and with a different cause number than the protective order at issue here. It therefore cannot be said that the protective order was issued “in” the SAPCR. *Id.* Accordingly, the protective order is appealable under the Family Code.

Because relator has not established that she is entitled to mandamus relief, the petition is denied.

PER CURIAM

Panel consists of Justices Brown, Boyce, and McCally.