

**Petition for Writ of Mandamus Denied and Memorandum Opinion filed
March 31, 2016.**



In The

Fourteenth Court of Appeals

NO. 14-16-00057-CV

IN RE JUAN CARLOS CASTILLO, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
309th District Court
Harris County, Texas
Trial Court Cause No. 2012-29624**

MEMORANDUM OPINION

On January 26, 2016, relator Juan Carlos Castillo filed a petition for writ of mandamus in this court. *See* Tex. Gov't Code Ann. § 22.221 (West 2004); *see also* Tex. R. App. P. 52. In the petition, relator asks this court to compel the Honorable Sheri Y. Dean, presiding judge of the 309th District Court of Harris County, to rule

on his motion for reduction of his monthly spousal support payment. Alternatively, relator asserts that the trial court effectively denied his motion and requests that we compel the trial court to grant his motion.

On March 4, 2016, the trial court signed the final decree of divorce in the underlying case. The interlocutory order on spousal support has merged into the final decree of divorce, which is appealable. *See H.B. Zachry Co. v. Thibodeaux*, 364 S.W. 192, 193 (Tex. 1963) (per curiam) (holding that prior interlocutory orders merge into subsequent order disposing of remaining parties and issues, creating a final and appealable judgment); *Wilkins v. State Farm Mut. Auto. Ins. Co.*, 58 S.W.3d 176, 182–83 (Tex. App.—Houston [14th Dist.] 2001, no pet.) (“An order, even if interlocutory, is nevertheless final and appealable if it has merged into a subsequent order which, by its nature, is a final appealable order.”). Therefore, relator has an adequate remedy by appeal.

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

PER CURIAM

Panel consists of Justices Christopher, McCally, and Busby.