

Petition for Writ of Mandamus Denied and Opinion filed June 2, 2016.



In The

Fourteenth Court of Appeals

NO. 14-16-00373-CV

IN RE DIOGU KALU DIOGU II, Relator

**ORIGINAL PROCEEDING
WRIT OF HABEAS CORPUS
240th District Court
Fort Bend County, Texas
Trial Court Cause No. 14-DCV-214343**

MEMORANDUM OPINION

On May 9, 2016, relator Diogu Kalu Diogu II 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 Chad Bridges, presiding judge of the 240th District Court of Fort Bend County, to

vacate his September 23, 2015 order that sets aside the default judgment and grants a new trial.

Mandamus review is not available for an order that sets aside a default judgment when there has been no jury trial. *See In re Cort*, No. 14–14–00646–CV, 2014 WL 4416074, at *2 (Tex. App.–Houston [14th Dist.] Sept. 9, 2014, orig. proceeding) (per curiam) (mem. op.); *In re Abrokwa*, No. 05–15–01239–CV, 2015 WL 6520083, at *1 (Tex. App.—Dallas Oct. 28, 2015, orig. proceeding) (mem. op.); and *In re Procesos Especializados en Metal, S.A. de C.V.*, No. 04–14–00543–CV, 2014 WL 4347724, at *3 (Tex. App.—San Antonio Sept. 3, 2014, orig. proceeding) (mem. op.).

Accordingly, we deny relator’s petition for writ of mandamus.

PER CURIAM

Panel consists of Chief Justice Frost and Justices McCally and Brown.