

**Petition for Writ of Mandamus Denied and Opinion filed August 9, 2016.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-16-00613-CV**

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**IN RE WILLIARD CAPITAL CORP., Relator**

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**ORIGINAL PROCEEDING  
WRIT OF MANDAMUS  
215th District Court  
Harris County, Texas  
Trial Court Cause No. 2016-21165**

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**MEMORANDUM OPINION**

On August 2, 2016, relator Williard Capital Corp. filed a petition for writ of mandamus in this court. *See* Tex. Gov't Code Ann. § 22.221; *see also* Tex. R. App. P. 52. In the petition, relator asks this court to compel the Honorable Elaine H. Palmer, presiding judge of the 215th District Court of Harris County, to vacate the Amended Temporary Injunction she signed on July 25, 2016.

Relator also filed a motion for emergency stay of the Amended Temporary Injunction.

To obtain mandamus relief, a relator must show both that the trial court clearly abused its discretion and that relator has no adequate remedy by appeal. *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). Mandamus may not be used as a form of interlocutory appeal. *N.H. Helicopters, Inc. v. Brown*, 841 S.W.2d 424, 425 (Tex. App.—Dallas 1992, orig. proceeding). Section 51.014(a)(4) of the Civil Practices and Remedies Code specifically provides for an interlocutory appeal from an order granting a temporary injunction. Tex. Civ. Prac. & Rem. Code Ann. § 51.014(a)(4). An interlocutory appeal provides an adequate remedy. *See In re Henry*, 274 S.W.3d 185, 189 n. 2 (Tex. App.—Houston [1st Dist.] 2008, orig. proceeding); *In re Sewell*, 14-12-00044-CV, 2012 WL 254004, at \*1 (Tex. App.—Houston [14th Dist.] Jan. 26, 2012, orig. proceeding) (per curiam).

Because relator may appeal the temporary injunction as provided for by section 51.014(a)(4), it has an adequate remedy by appeal, and has not established its entitlement to the extraordinary relief of a writ of mandamus. Accordingly, we deny relator’s petition for writ of mandamus and also deny relator’s related motion for emergency stay.

PER CURIAM

Panel consists of Justices Jamison, McCally, and Wise.