

Petition for Writ of Mandamus Denied and Opinion filed November 1, 2016.



In The

Fourteenth Court of Appeals

NO. 14-16-00833-CV

IN RE ALICE PEACOCK, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
247th District Court
Harris County, Texas
Trial Court Cause No. 2015-04688**

MEMORANDUM OPINION

On October 20, 2016, relator Alice Peacock 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 John Schmude, presiding judge of the 247th District Court of Harris County, to (1) vacate his "Clarified Order Granting Motion to Compel Arbitration" (the

Arbitration Order) signed on September 16, 2016, and (2) conduct a trial of whether the contract containing the agreement to arbitrate is valid and enforceable.

Relator also filed a motion for temporary relief asking our court to stay the Arbitration Order pending a decision on relator's petition for writ of mandamus.

To obtain mandamus relief, a relator must show both that the trial court clearly abused its discretion and that the relator has no adequate remedy by appeal. *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding).

Relator has not established that she is entitled to mandamus relief. *See In re Gulf Exploration, LLC*, 289 S.W.3d 836, 842–43 (Tex. 2009) (orig. proceeding).

We therefore deny relator's petition for writ of mandamus and motion for temporary relief.

PER CURIAM

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