

Petition for Writ of Mandamus Denied and Opinion filed December 6, 2016.



In The

Fourteenth Court of Appeals

NOS. 14-16-00919-CV

IN RE STEPHEN D. DIFERRANTE, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
Probate Court No 2
Harris County, Texas
Trial Court Cause Nos. 438,943 and 433,855**

MEMORANDUM OPINION

On November 14, 2016, relator Stephen D. DiFerrante 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 Mike Wood, presiding judge of the Probate Court No 2 of Harris County, to vacate an "Order Probating Will, Codicils and Authorizing Letters

Testamentary” entered in Cause No. 438,943 because the Will at issue is allegedly invalid. The petition also argues that the probate court lacks jurisdiction of claims for theft and misappropriation alleged against relator in Cause No. 433,855.

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 he is entitled to mandamus relief.

We therefore deny relator’s petition for writ of mandamus.

PER CURIAM

Panel consists of Justices Boyce, Busby and Wise.