

Petition for Writ of Mandamus Denied and Memorandum Opinion filed April 11, 2017.



**In The
Fourteenth Court of Appeals**

NO. 14-17-00258-CV

IN RE JULIA POFF, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
Justice of the Peace, Precinct 4
Waller County, Texas
Trial Court Cause No. SC-2341-J4**

MEMORANDUM OPINION

On April 6, 2017, relator Julia Poff 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 Ted Krenek, Justice of the Peace, Precinct 4, of Waller County, Texas to vacate his April 4,

2017 “Order on Statement of Inability to Pay (Appeal)”, which sustained a contest to relator’s statement of inability to afford payment of court costs.

Relator also filed an emergency motion asking our court to stay the April 4 Order pending our court’s determination of the mandamus.

To obtain mandamus relief, relator must show, among other things, that she has no adequate remedy by appeal. *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). Rule of Civil Procedure 506.1(d) provides that if, as here, the justice court sustains a contest to a statement of inability to pay court costs, the appellant may appeal that decision by filing notice with the justice court within 7 days of that court’s written order, and that the justice court must then forward all related documents to the county court for resolution. *See* Tex. R. Civ. P. 506.1(d). Relator therefore has an adequate remedy by appeal of the April 4 Order to the county court, as provided for by Rule of Civil Procedure 506.1(d).

Relator’s petition for writ of mandamus also asks our court, for various reasons, to reverse the justice court’s final judgment signed on December 16, 2016. Relator has an adequate remedy by appeal of the justice court’s judgment to the county court as provide for by Rule 506.

Accordingly, we deny relator’s petition for writ of mandamus and emergency motion for stay.

PER CURIAM

Panel consists of Justices Christopher, Busby, and Jewell.