

**Petition for Writ of Mandamus Granted and Memorandum Opinion filed
November 27, 2017.**



In The

Fourteenth Court of Appeals

NO. 14-17-00921-CV

IN RE CITY OF PEARLAND, TEXAS, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
149th District Court
Brazoria County, Texas
Trial Court Cause No. 94272-CV**

MEMORANDUM OPINION

On November 22, 2017, relator City of Pearland, Texas filed a petition for writ of mandamus in this court. *See* Tex. Gov't Code Ann. § 22.221 (West Supp. 2017); *see also* Tex. R. App. P. 52. In the petition, relator asks this court to compel the Honorable Terri Holder, presiding judge of the 149th District Court of Brazoria County, to vacate her November 21, 2017 Temporary Restraining Order (TRO) which enjoins the City of Pearland from taking any action to proceed with

annexation proceedings until the court makes a determination of whether the City's actions regarding the annexation of parcel "L" are in accordance with the Texas Open Meetings Act. The TRO requires the City of Pearland to comply from the date of the order to the 14th day after entry of the order.

To obtain mandamus relief, a relator generally 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. of Am.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding).

We conclude that relator has established that the trial court has clearly abused its discretion by issuing the TRO and that relator has no adequate remedy by appeal. The court may issue a supplemental opinion explaining its reasoning in more detail.

We therefore grant the petition for writ of mandamus and direct the trial court to vacate its TRO.

To allow the trial court time to vacate the TRO, we STAY the TRO until further order of this court.

PER CURIAM

Panel consists of Chief Justice Frost and Justices Busby and Wise.