

Petition for Writ of Mandamus Denied and Memorandum Opinion filed August 23, 2018.



In The

Fourteenth Court of Appeals

NO. 14-18-00738-CV

IN RE FREDRICK E. GAINS, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
333rd District Court
Harris County, Texas
Trial Court Cause No. 2016-43418**

MEMORANDUM OPINION

On August 23, 2018, relator Fredrick E. Gains 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 Daryl Moore, presiding judge of the 333rd District Court of Harris County, to vacate his August 22, 2018 order denying relator's motion for continuance and accept relator's jury fee. Relator also filed a motion for emergency stay asking this court to stay the trial set for August 23, 2018.

With certain exceptions, 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. of Am.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). Relator has not shown that he is entitled to mandamus relief. We therefore deny relator’s petition for writ of mandamus and motion for stay.

PER CURIAM

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