

Petition for Writ of Mandamus Conditionally Granted and Opinion filed June 1, 2021.



In The

Fourteenth Court of Appeals

NO. 14-21-00190-CV

IN RE PRECISION-HAYES INTERNATIONAL, INC., Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
400th District Court
Fort Bend County, Texas
Trial Court Cause No. 19-DCV-261720**

MEMORANDUM OPINION

On Friday, April 9, 2021, relator Precision-Hayes International, Inc. 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 Tameika Carter, presiding judge of the 400th District Court of Fort Bend County, to vacate an order signed February 8, 2021.

That order modified a prior order to deposit funds into the registry of the court and directed that fifty percent of the interpleaded funds be returned.

The record reflects the case was removed to federal court in May 2019. It is undisputed that the case has not been remanded to state court. “Any order entered by a state court after the case is removed is void for want of jurisdiction.” *Hilton v. NBC Bank-Heights*, No. 01-96-01366-CV, 1998 WL 135105, at *2–3 (Tex. App.—Houston [1st Dist.] Mar. 19, 1998, pet. denied). Accordingly, the order signed February 8, 2021, is void. *See Meyerland Co. v. F.D.I.C.*, 848 S.W.2d 82, 83 (Tex. 1993) (order entered after removal is void).

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 at law. *In re Garza*, 544 S.W.3d 836, 840 (Tex. 2018) (orig. proceeding) (per curiam); *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004) (orig. proceeding). The issuance of a void order is an abuse of discretion. *See In re Sw. Bell Tel. Co.*, 35 S.W.3d 602, 605 (Tex. 2000) (orig. proceeding) (per curiam). When an order is void, the relator need not show the lack of an adequate appellate remedy, and mandamus relief is appropriate. *Id.*

We conditionally grant relator’s petition for writ of mandamus and direct the trial court to issue a written order vacating its February 8, 2021 order. We are confident the trial court will act in accordance with this opinion and the writ will issue only if the court fails to do so.

PER CURIAM

Panel consists of Justices Jewell, Bourliot, and Hassan.