

**Petition for Writ of Mandamus and Motion to Stay Denied and Memorandum  
Majority and Dissenting Opinions filed July 22, 2021.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-21-00397-CV**

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**IN RE CHRISTOPHER BOYKIN, Relator**

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**ORIGINAL PROCEEDING  
WRIT OF MANDAMUS  
280th District Court  
Harris County, Texas  
Trial Court Cause No. 2021-10118**

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**MEMORANDUM MAJORITY OPINION**

On July 19, 2021, relator Christopher Boykin filed a petition for writ of mandamus in this Court. *See* Tex. Gov't Code Ann. § 22.221; *see also* Tex. R. App. P. 52. In the petition, relator asks this Court to compel the Honorable Barbara Stadler, presiding judge of the 280th District Court of Harris County, to stay the implementation of an oral pronouncement indicating an intent to hold relator in civil contempt in an order that has not yet been signed, to discharge

relator from the requirements of the future order, and to declare the anticipated order beyond the authority of the trial court and void.

Mandamus is an extraordinary remedy that will issue only if (1) the trial court clearly abused its discretion and (2) the party requesting mandamus relief has no adequate remedy by appeal. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135–36 (Tex. 2004). We determine the adequacy of an appellate remedy by balancing the benefits of mandamus review against its detriments. *Id.* at 136. In evaluating benefits and detriments, we consider whether mandamus will preserve important substantive and procedural rights from impairment or loss. *Id.*

A trial court abuses its discretion if it reaches a decision so arbitrary and unreasonable as to amount to a clear and prejudicial error of law, or if it clearly fails to analyze or apply the law correctly. *In re Cerberus Capital Mgmt., L.P.*, 164 S.W.3d 379, 382 (Tex. 2005). Because relator cannot be held in contempt for violating an oral pronouncement until it is reduced to a signed order, neither the mandamus nor the motion to stay are ripe. As such, relator has not and cannot establish at this time that the trial court abused its discretion.

Because no order exists holding relator in contempt, his petition for a writ of mandamus and motion to stay are denied without prejudice to refiling if or when a contempt order is signed.

/s/ Tracy Christopher  
Chief Justice

Panel consists of Chief Justice Christopher and Justices Spain and Hassan. (Spain, J., dissenting).