

Court Of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

No. 04-10-00106-CV

IN RE Steven T. LONG

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Karen Angelini, Justice
Steven C. Hilbig, Justice
Marialyn Barnard, Justice

Delivered and Filed: March 3, 2010

PETITION FOR WRIT OF MANDAMUS DENIED

On February 12, 2010, relator filed a petition for writ of mandamus, challenging the trial court's jurisdiction. However, to be entitled to mandamus relief, a relator must show the trial court clearly abused its discretion and the relator has no adequate remedy at law. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135 (Tex. 2004); *Walker v. Packer*, 827 S.W.2d 833, 839-40 (Tex. 1992). The court has considered relator's petition and is of the opinion that relator is not entitled to the relief sought because he has an adequate remedy by appeal. *See In re Entergy Corp.*, 142 S.W.3d 316, 320 (Tex. 2004) (orig. proceeding) (holding that subject to certain exceptions, generally mandamus does

¹ This proceeding arises out of Cause No. 354767, styled *Keller Williams-Excel Group, Agent for David Leo Jones v. Steven Thomas Long et al.*, in the County Court at Law No. 2, Bexar County, Texas, the Honorable H. Paul Canales presiding. However, the challenged order was signed by the Honorable Irene Rios, presiding judge of the County Court at Law No. 10, Bexar County, Texas.

not lie to correct an incidental trial court ruling, such as a plea to the jurisdiction, when there is a remedy by appeal); *Bell Helicopter Textron, Inc. v. Walker*, 787 S.W.2d 954, 955 (Tex. 1990) (holding that generally a trial court's ruling on a plea to the jurisdiction is not subject to review by mandamus because an adequate remedy by appeal often exists). Accordingly, relator's petition for writ of mandamus is denied. TEX. R. APP. P. 52.8(a).

PER CURIAM