



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-12-00786-CV

**IN RE Melissa SUTTON**

Original Mandamus Proceedings<sup>1</sup>

PER CURIAM

Sitting: Karen Angelini, Justice  
Santee Bryan Marion, Justice  
Marialyn Barnard, Justice

Delivered and Filed: December 5, 2012

PETITION FOR WRIT OF MANDAMUS DENIED

On November 21, 2012, relator Melissa Sutton filed a petition for writ of mandamus, complaining of the trial court's November 8, 2012 order appointing a receiver. However, mandamus relief is only available to correct a clear abuse of discretion for which the relator has no adequate remedy at law. *See In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135 (Tex. 2004) (orig. proceeding); *Walker v. Packer*, 827 S.W.2d 833, 839-40 (Tex. 1992) (orig. proceeding). Texas Civil Practice and Remedies Code section 51.014(a)(1) permits an interlocutory appeal from an order that appoints a receiver. *See* TEX. CIV. PRAC. & REM. CODE § 51.014(a)(1); TEX. R. APP. P. 26.1 (in an accelerated appeal, the notice of appeal must be filed within 20 days after the judgment or order is signed). Therefore, we conclude relator has failed

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<sup>1</sup> This proceeding arises out of Cause No. 11-05-00128, styled *Patricia Angell v. Melissa Sutton*, pending in the 218th Judicial District Court, Karnes County, Texas, the Honorable Stella Saxon presiding.

to establish she lacks an adequate remedy by appeal. Accordingly, the petition for writ of mandamus is DENIED. TEX. R. APP. P. 52.8(a).

PER CURIAM