



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-13-00604-CV

IN RE Neomi PASTRAN

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Karen Angelini, Justice
Rebeca C. Martinez, Justice
Patricia O. Alvarez, Justice

Delivered and Filed: September 18, 2013

PETITION FOR WRIT OF MANDAMUS DENIED

On September 6, 2013, relator Neomi Pastran filed a petition for writ of mandamus and an emergency motion for stay of the trial court's order enforcing a provision of a 2010 divorce decree pending a ruling on the mandamus petition.

A writ of mandamus is an extraordinary remedy that will issue only to correct a clear abuse of discretion or the violation of a duty imposed by law when there is no adequate remedy at law, such as by normal appeal. *See Walker v. Packer*, 827 S.W.2d 833, 840 (Tex. 1992). The court has considered the petition for writ of mandamus and is of the opinion that relator is not entitled to the relief sought. Relator fails to establish that any error in the trial court's ruling cannot be remedied by an appeal. Therefore, we decline to address the trial court's ruling by mandamus. *Id.* at 844.

¹ This proceeding arises out of Cause No. 2009-CI-18022, styled *In the Matter of the Marriage of Paul Elijah Newton and Neomi Michelle Newton and In the Interest of Their Minor Children*, pending in the 285th Judicial District Court, Bexar County, Texas, the Honorable Peter A. Sakai presiding.

Accordingly, the petition for writ of mandamus and the emergency motion for stay are denied. *See* TEX. R. APP. P. 52.8(a).

PER CURIAM