



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-14-00172-CV

IN RE Robert SAMANIEGO

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Sandee Bryan Marion, Justice
Rebeca C. Martinez, Justice
Patricia O. Alvarez, Justice

Delivered and Filed: March 19, 2014

PETITION FOR WRIT OF MANDAMUS DENIED

On March 13, 2014, relator Robert Samaniego filed a pro se petition for writ of mandamus along with a motion requesting this court to take judicial notice of adjudicative facts and a motion for abatement to allow an evidentiary hearing in the trial court. Mandamus relief is only available if the relator establishes both that the trial court clearly abused its discretion and relator lacks an adequate remedy by appeal. *See In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004) (orig. proceeding).² The court has considered the petition for writ of mandamus and is of

¹ This proceeding arises out of Cause No. 12-0784-CV, styled *In the Matter of the Marriage of Mary Samaniego and Robert Samaniego*, pending in the 25th Judicial District Court, Guadalupe County, Texas, the Honorable W.C. Kirkendall presiding.

² We note that the issues complained of in this proceeding are also raised in relator's appeal in Cause Number 04-13-00519-CV presently pending before this court.

the opinion that relator is not entitled to the relief sought. Accordingly, the petition for writ of mandamus and the accompanying motions are denied. *See* TEX. R. APP. P. 52.8(a).

PER CURIAM