



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-21-00222-CV

IN RE Joe Anthony **ESPINOZA**, Relator

Original Proceeding¹

PER CURIAM

Sitting: Luz Elena D. Chapa, Justice
Irene Rios, Justice
Beth Watkins, Justice

Delivered and Filed: June 23, 2021

PETITION FOR WRIT OF MANDAMUS DENIED

Relator has filed a petition for writ of mandamus and motion for temporary relief. We may issue writs of mandamus when “agreeable to the principles of law regulating those writs.” TEX. GOV’T CODE § 22.221(b). For mandamus, a relator has the burden to file a petition and record showing “the trial court abused its discretion and that no adequate appellate remedy exists.” *In re H.E.B. Grocery Co.*, 492 S.W.3d 300, 302 (Tex. 2016) (orig. proceeding) (per curiam). Having reviewed the petition, appendix, and record, we conclude relator has not satisfied this burden. Accordingly, we deny the petition and motion for temporary relief. *See* TEX. R. APP. P. 52.8(a); *see also Terrazas v. Ramirez*, 829 S.W.2d 712, 723 (Tex. 1991) (orig. proceeding) (“As a rule, mandamus is not available to compel an action which has not first been demanded and refused.”).

PER CURIAM

¹This proceeding arises out of Cause No. 1915C pending in the County Court at Law, Kerr County, Texas, the Honorable Susan Harris presiding.