

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-08-375 CV**

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**IN RE BARRY DWAYNE MINNFEE**

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**Original Proceeding**

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**MEMORANDUM OPINION**

Barry Dwayne Minnfee filed a petition for writ of mandamus through which he seeks to compel the trial court to grant permission for Minnfee to file a suit notwithstanding his status as a vexatious litigant. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 11.102 (Vernon 2002).

To obtain mandamus relief, a relator must show both that the trial court clearly abused its discretion and that the relator has no adequate remedy by appeal. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004). The relator has not established that the trial court abused its discretion in refusing to grant leave to file the petition submitted by Minnfee. Accordingly, the petition for writ of mandamus is denied.

PETITION DENIED.

PER CURIAM

Opinion Delivered October 23, 2008  
Before McKeithen, C.J., Gaultney and Kreger, JJ.