

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-11-00061-CV

IN RE DAVID FRANK TRAGER

Original Proceeding

MEMORANDUM OPINION

David Frank Trager filed a petition for writ of mandamus, in which he complained that the trial court had failed to rule on Trager's motion to rescind the trial court's order to withdraw funds from Trager's Inmate Trust Fund account. We granted additional time for the relator to amend his petition to comply with the rules of appellate procedure. *See* Tex. R. App. P. 9.5(e), 52.3. On March 14, 2011, Trager filed an amended mandamus petition. We deny mandamus relief.

Trager's amended mandamus petition includes an order of the trial court, signed on February 17, 2011, that denied Trager's motion to rescind. Mandamus relief is available only for a clear abuse of discretion when that abuse cannot be remedied on

appeal. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004). The trial court's order of February 17, 2011, is appealable. *See Harrell v. State*, 286 S.W.3d 315, 321 (Tex. 2009). Trager has not shown that he is presently entitled to mandamus relief from this Court. Accordingly, the petition for writ of mandamus is denied.

PETITION DENIED.

PER CURIAM

Opinion Delivered March 17, 2011
Before McKeithen, C.J., Kreger and Horton, JJ.