

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-11-00456-CV

IN RE STEPHANIE DEATHERAGE

Original Proceeding

MEMORANDUM OPINION

Stephanie Deatherage filed a petition for writ of mandamus and motion for temporary relief. *See* Tex. R. App. P. 52.3, 52.10. Relator asks this Court to stay a hearing on a motion to enforce agreed temporary orders in a suit to establish parentage and to order the trial court to deny relief to the alleged biological father of the two children who are the subject of the suit.

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. *See In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004). Because an accelerated appeal is not available when the trial court enters temporary orders in a suit affecting the parent-child relationship, mandamus relief is available if the relator establishes a clear abuse of discretion by the trial court. *See generally Dancy v. Daggett*, 815 S.W.2d 548,

549 (Tex. 1991). On the mandamus record presented, the relator fails to establish that the trial court clearly abused its discretion. *See generally* Tex. Fam. Code Ann. § 160.601 (West Supp. 2010), §§ 160.602-605 (West 2008); Tex. Fam. Code Ann. § 160.624 (West 2008). Accordingly, we deny the petition for writ of mandamus and request for temporary relief.

PETITION DENIED.

PER CURIAM

Opinion Delivered August 18, 2011

Before McKeithen, C.J., Gaultney and Horton, JJ.