

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

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**NO. 09-15-00022-CV**

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**IN RE STEPHEN DAWSON**

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**Original Proceeding**

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**MEMORANDUM OPINION**

Stephen Dawson filed a petition for writ of mandamus seeking to compel the visiting judge presiding in the 410th District Court of Montgomery County, Texas, to vacate a final arbitration award in favor of Wells Fargo Bank National Association, to issue a new ruling that includes conclusions of law concerning Dawson's petition to vacate the arbitration award, and to sign a new final judgment without handwritten interlineations. Dawson claims he does not have an adequate remedy at law by appeal because "it is not clear which party he should appeal the award against when the judicial system is not making a distinction between Wells

Fargo N.A. (the entity Dawson arbitrated against) and Wells Fargo, National Association (the entity Dawson contracted with); two different entities.”

After carefully reviewing the mandamus petition and record, we conclude that the relator failed to establish that he lacks an adequate remedy by appeal.<sup>1</sup> *See generally In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 136 (Tex. 2004); Tex. Civ. Prac. & Rem. Code Ann. § 171.098(a)(3) (West 2011). Accordingly, we deny the petition for writ of mandamus.

PETITION DENIED.

PER CURIAM

Submitted on January 21, 2015  
Opinion Delivered January 22, 2015

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

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<sup>1</sup>Generally, an appeal from a final judgment must be taken within thirty days of the date the judgment is signed by filing a notice of appeal with the trial court. *See* Tex. R. App. P. 25.1, 26.1. The record for an appeal differs from a mandamus record. *Compare* Tex. R. App. P. 34 *with* Tex. R. App. P. 52.7. In an appropriate circumstance, an extension of time to file a notice of appeal may be granted to an appellant who attempted to invoke the appellate jurisdiction of the Court of Appeals within fifteen days of the deadline. *See Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997).