

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-15-00240-CV

IN RE KATHLEEN THOMAS

Original Proceeding

MEMORANDUM OPINION

In a petition for writ of mandamus and motion for temporary relief, Kathleen Thomas (Relator or Thomas), challenges various interlocutory rulings and the final judgment of the 284th District Court of Montgomery County, Texas, in a fee dispute between Thomas and her former counsel. The trial court signed the final judgment on May 11, 2015. An original proceeding for a writ of mandamus “is not a substitute for an appeal.” *In re Sec. Nat’l Ins.*, No. 14-11-00013-CV, 2011 WL 332712, at *1 (Tex. App.—Houston [14th Dist.] Feb. 3, 2011, orig. proceeding)

(mem. op.).¹ Mandamus relief is not available to Thomas because the trial court has signed an appealable final judgment. *See In re Harrell*, No. 01-13-00517-CV, 2014 WL 866044, at *1 (Tex. App.—Houston [1st Dist.] Mar. 4, 2014, orig. proceeding) (mem. op.). Thomas has an adequate remedy by appeal. *Id.* Accordingly, we deny the petition for writ of mandamus and motion for temporary relief. *See* Tex. R. App. P. 52.8.

PETITION DENIED.

PER CURIAM

Opinion Delivered June 16, 2015

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

¹Generally, 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. A ninety-day period to perfect an appeal applies if an appropriate post-judgment motion has been timely filed. *See* Tex. R. App. P. 26.1(a). An extension of time to file a notice of appeal may be granted if the notice of appeal is filed within fifteen days of the deadline, and the appellant files a motion for extension of time or establishes that she made a bona fide attempt to invoke the appellate jurisdiction of the Court of Appeals within fifteen days of the deadline. *See* Tex. R. App. P. 26.3; *see also Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997).