

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-17-00152-CV

IN RE DARLENE ANN HOFFPAUIR

Original Proceeding
County Court at Law of Orange County, Texas
Trial Cause No. P16978

MEMORANDUM OPINION

In a mandamus petition, Darlene Ann Hoffpauir requests the recusal of the judge presiding in her guardianship proceeding, reversal of all of the rulings and orders that have been adverse to Hoffpauir or her spouse, return of the property that she claims rightfully belongs to her, and control of a trust in which she is a beneficiary. Hoffpauir has not shown that the matters she complains about in her petition are not capable of being raised in a case that is currently before us based on her appeal, which includes a thirty-three volume reporter's record already on file.

Mandamus is not issued as a matter of right, but at the discretion of the court, and whether the writ should issue is largely controlled by equitable principles. *Rivercenter Assocs. v. Rivera*, 858 S.W.2d 366, 367 (Tex. 1993) (orig. proceeding). Hoffpauir has not shown that the benefits of mandamus review outweigh the detriments. *See In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 136 (Tex. 2004) (orig. proceeding). Because an adequate remedy exists to address the errors, if any, regarding the rulings at issue through Hoffpauir's appeal, we decline to address the complaints Hoffpauir raises in this original proceeding. *See id.*

PETITION DENIED.

PER CURIAM

Submitted on May 17, 2017
Opinion Delivered May 18, 2017

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