

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

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**NO. 09-17-00391-CV**

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**IN RE MICKEY J. HUGHES**

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**Original Proceeding**  
**418th District Court of Montgomery County, Texas**  
**Trial Cause No. 09-10-09572-CV**

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**MEMORANDUM OPINION**

In a petition for writ of mandamus, Mickey J. Hughes complains that the trial court failed to properly apply this Court's mandate in the amended modification order that the trial court signed after we reversed the child support order and remanded the case. *See generally In Interest of D.S.H.*, No. 09-16-00109-CV, 2017 WL 1429198, at \*6 (Tex. App.—Beaumont Apr. 20, 2017, no pet.) (mem. op).

To obtain mandamus relief, Hughes must show both that the trial court has clearly abused its discretion and that he has no adequate appellate remedy. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding).

The relator has an adequate remedy by appeal if the trial court signs an appealable order. *In re Thomas*, No. 09-15-00240-CV, 2015 WL 3756834, at \*1 (Tex. App.—Beaumont June 16, 2015, orig. proceeding) (mem. op.). Mandamus relief is not available to Hughes because the trial court has signed an appealable final order.<sup>1</sup> Accordingly, we deny the petition for writ of mandamus. *See* Tex. R. App. P. 52.8.

PETITION DENIED.

PER CURIAM

Submitted on November 1, 2017  
Opinion Delivered November 2, 2017

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

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<sup>1</sup> If a party makes a bona fide attempt to perfect an appeal but files the wrong document, the party must be provided an opportunity to substitute the correct document. *Linwood v. NCNB Tex.*, 885 S.W.2d 102, 103 (Tex. 1994). Because the issue is not raised in this mandamus proceeding, we express no opinion on whether Hughes timely made a bona fide attempt to appeal.