

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-18-00062-CV

IN RE JOSEPH E. LEAL

Original Proceeding
75th District Court of Liberty County, Texas
Trial Cause No. CV1510066

MEMORANDUM OPINION

Joseph E. Leal filed a petition for a writ of mandamus to compel the judge of the 75th District Court of Liberty County, Texas, to vacate an order of abatement and proceed to trial in trial court case number CV1510066, styled *Steve Hebert v. Joseph E. Leal et al.* Leal argues that the trial court denied Leal’s due process rights by abating case number CV1510066 pending enforcement of a “corrected default judgment” signed on February 11, 2015, in trial court case number CV1408862, styled *Steve Hebert v. Joseph E. Leal et al.* As temporary relief, Leal requested a

stay of the issuance and execution of an order for sheriff's sale in trial court case number CV1408862.

To be entitled to mandamus relief, a relator must show both that the trial court has clearly abused its discretion and that relator has no adequate appellate remedy. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). Based on the record before us, we conclude that the relator has not shown that he is entitled to the relief he requested. *See Walker v. Packer*, 827 S.W.2d 833, 839-40 (Tex. 1992) (orig. proceeding). Accordingly, the petition for writ of mandamus is denied. *See* Tex. R. App. P. 52.8(a). Relator's request for temporary relief is likewise denied.

PETITION DENIED.

PER CURIAM

Submitted on February 21, 2018
Opinion Delivered February 22, 2018

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