

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-19-00146-CV

IN RE UNITED PARCEL SERVICES, INC. AND BYRON KEITH BISOR

Original Proceeding
58th District Court of Jefferson County, Texas
Trial Cause No. A-201,842

MEMORANDUM OPINION

In a mandamus petition, United Parcel Services, Inc. and Byron Keith Bisor, Relators, contend the trial court abused its discretion by denying their request for a jury trial and a brief continuance because they filed a timely request for a jury trial but paid the fee late. *See generally* Tex. R. Civ. P. 216.

A writ of mandamus is an extraordinary remedy that will issue only to correct a clear abuse of discretion for which the relator has no adequate remedy by appeal. *See In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004) (orig.

proceeding); *Walker v. Packer*, 827 S.W.2d 833, 839-40 (Tex. 1992) (orig. proceeding). After considering the petition and the accompanying record, and after considering Relators' motion for temporary relief and the response to the motion for temporary relief filed by the real parties in interest, Allen Norris, Delores Norris, and Fabian Williams, we conclude that Relators have not established that they are entitled to mandamus relief. Accordingly, we deny the petition for a writ of mandamus and the motion for temporary relief. *See* Tex. R. App. P. 52.8(a).

PETITION DENIED.

PER CURIAM

Submitted on May 10, 2019
Opinion Delivered May 10, 2019

Before Kreger, Horton and Johnson, JJ.
Horton, J. dissents.