

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

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**NO. 09-19-00282-CV**

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**IN RE JAMES ATKINS**

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**Original Proceeding**  
**435th District Court of Montgomery County, Texas**  
**Trial Cause No. 10-09-09576-CV**

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**MEMORANDUM OPINION**

Relator James Atkins filed a *pro se* petition for writ of mandamus, in which he complains that the trial court erred by denying his motion for judgment *nunc pro tunc* and asserts that the trial court lacked jurisdiction.

Mandamus will issue only to correct a clear abuse of discretion or violation of a duty imposed by law when that abuse cannot be remedied by appeal. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004); *Walker v. Packer*, 827 S.W.2d 833, 839 (Tex. 1992). After reviewing the mandamus record and

petition, we conclude that the relator has not demonstrated an abuse of discretion by the trial court. Accordingly, we deny the petition for writ of mandamus.

PETITION DENIED.

PER CURIAM

Submitted September 11, 2019  
Opinion Delivered September 12, 2019

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