

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-19-00369-CV

IN RE MICHAEL W. BOHANNAN

Original Proceeding
435th District Court of Montgomery County, Texas
Trial Cause No. 08-07-06907-CV

MEMORANDUM OPINION

Relator Michael W. Bohannon filed this original mandamus proceeding, in which he complains that the trial judge refused to rule on his properly filed *pro se* motion to strike the trial court's abatement order,¹ the trial court violated the Open Courts provision of the Texas Constitution by abating the case, and the trial court

¹The mandamus record reflects that the trial court abated Bohannon's civil commitment as a sexually violent predator until Bohannon is eligible for release from the custody of the Texas Department of Criminal Justice. *See* Tex. Health & Safety Code Ann. § 841.150(a).

violated his rights to due process by abating the case without notice to him. Bohannan did not provide a copy of his *pro se* motion to strike the trial court's abatement order.

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 Bohannan has not demonstrated an abuse of discretion by the trial court for which there is no adequate remedy by appeal. Accordingly, we deny the petition for writ of mandamus.

PETITION DENIED.

PER CURIAM

Submitted on November 13, 2019
Opinion Delivered November 14, 2019

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