

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-22-00191-CV

IN RE B.A.F.

Original Proceeding
County Court at Law No. 3 of Montgomery County, Texas
Trial Cause No. 21-11-15570-CV

MEMORANDUM OPINION

In a petition for a writ of mandamus, Relator B.A.F. seeks mandamus relief from a temporary order that appoints the Department of Family and Protective Services as the temporary managing conservator of her nephew, N.D.M. B.A.F. argues that she is the child's caregiver, the child was not properly removed from her care, and the trial court abused its discretion by allowing the Department to maintain conservatorship over N.D.M. rather than order that he be returned to her.

We may grant the extraordinary relief of mandamus only when the trial court has clearly abused its discretion and the relator lacks an adequate appellate remedy. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-40 (Tex. 2004) (orig.

proceeding); *Walker v. Packer*, 827 S.W.2d 833, 839-40 (Tex. 1992) (orig. proceeding); *Dancy v. Daggett*, 815 S.W.2d 548, 549 (Tex. 1991) (orig. proceeding). After reviewing Relator's petition and the supporting record, we conclude that Relator has failed to establish she is entitled to the extraordinary relief sought in her petition. Accordingly, we deny the petition for a writ of mandamus. *See* Tex. R. App. P. 52.8(a). We deny the motion for temporary relief as moot. *See* Tex. R. App. P. 52.10.

PETITION DENIED.

PER CURIAM

Submitted on July 13, 2022
Opinion Delivered July 14, 2022

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