

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

ON MOTION FOR REHEARING

NO. 03-17-00429-CV

In re Jermaine Hopkins

ORIGINAL PROCEEDING FROM TRAVIS COUNTY

MEMORANDUM OPINION

We withdraw our opinion of September 20, 2017, and substitute this opinion in its place. We deny the motion for rehearing.

Relator Jermaine Hopkins contends the trial judge erred in denying Hopkins’s motion to compel discovery. Based on the record, the supplemented record, and the issues presented, we conclude Hopkins has not established that he is entitled to mandamus relief. *See* Tex. R. App. P. 33.1; *Walker v. Packer*, 827 S.W.2d 833, 842 (Tex. 1992) (orig. proceeding) (“[M]andamus [will] issue only where there is no adequate remedy by appeal.”); *West v. Solito*, 563 S.W.2d 240, 244-45 (Tex. 1978) (orig. proceeding); *In re Credit Suisse First Boston Mortg. Capital, L.L.C.*, 257 S.W.3d 486, 493 (Tex. App.—Houston [14th Dist.] 2008, orig. proceeding) (applying Texas Rule of Appellate Procedure 33.1 to mandamus proceeding). Accordingly, we deny Hopkins’s petition for writ of mandamus. *See* Tex. R. App. P. 52.8.

Cindy Olson Bourland, Justice

Before Justices Puryear, Field, and Bourland

Filed: December 12, 2017