

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-17-00750-CV

In re Monte Charlene Diggs Coker

ORIGINAL PROCEEDING FROM BURNET COUNTY

MEMORANDUM OPINION

Relator Monte Charlene Diggs Coker filed a petition for writ of mandamus and motion for temporary relief seeking relief from the trial court’s oral ruling at the conclusion of a temporary injunction hearing. The trial court ordered Coker to return three of her children “here within 50 miles of this county and not be taken any farther away than that.”

On this record, we deny the petition for writ of mandamus and the motion for temporary relief. *See* Tex. R. App. P. 52.8(a); *In re Bledsoe*, 41 S.W.3d 807, 811 (Tex. App.—Fort Worth 2001, orig. proceeding) (concluding that consideration of an oral order by mandamus is allowed “if the court’s ruling is a clear, specific, and enforceable order that is adequately shown by the record”); *see also In re Harrison*, No. 14-15-00370-CV, 2015 Tex. App. LEXIS 10496, at *9 (Tex. App.—Houston [14th Dist.] Oct. 13, 2015, orig. proceeding) (mem. op.) (explaining that “alleged contemnor cannot be held in constructive contempt of court for actions taken before the court reduces its order to writing” (citing *Ex parte Guetersloh*, 935 S.W.2d 110, 111 (Tex. 1996))); *In re Penney*, No. 05-14-00503-CV, 2014 WL 2532307, at *2–3 (Tex. App.—Dallas June 4, 2014,

orig. proceeding) (mem. op.) (concluding that issues presented in petition for mandamus were not ripe for determination where challenging trial court's oral statements).

Melissa Goodwin, Justice

Before Chief Justice Rose, Justices Pemberton and Goodwin

Filed: November 16, 2017