



NUMBER 13-08-00317-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN RE SCOGGINS CONSTRUCTION COMPANY, INC.

On Petition for Writ of Mandamus

MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Garza and Benavides
Per Curiam Memorandum Opinion¹**

Relator, Scoggins Construction Company, Inc., filed a petition for writ of mandamus in the above cause on May 20, 2008. Through this original proceeding, relator challenges the trial court's order of April 2, 2008, denying relator's motion for leave to join third-party defendants and to designate responsible third parties. The Court requested and received a response from the real party in interest, Mercedes Independent School District.

¹ See TEX. R. APP. P. 52.8(d) ("When denying relief, the court may hand down an opinion but is not required to do so."); TEX. R. APP. P. 47.4 (distinguishing opinions and memorandum opinions).

Mandamus is an extraordinary remedy, which is available only when a trial court has clearly abused its discretion and the relator lacks an adequate remedy by appeal. See *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004) (orig. proceeding) (citing *Walker v. Packer*, 827 S.W.2d 833, 840 (Tex. 1992)); see also *In re Team Rocket, L.P.*, 51 Tex. Sup. Ct. J. 945, 2008 Tex. LEXIS 501, *2 (Tex. May 23, 2008) (orig. proceeding).

The Court, having examined and fully considered the petition for writ of mandamus and response thereto, is of the opinion that relator has not shown itself entitled to the relief sought. See TEX. R. CIV. P. 37, 38; *In re Unitec Elevator Servs. Co.*, 178 S.W.3d 53, 64-66 (Tex. App.–Houston [1st Dist.] 2005, orig. proceeding); *In re Martin*, 147 S.W.3d 453, 458-59 (Tex. App.–Beaumont 2004, orig. proceeding); *In re Arthur Andersen LLP*, 121 S.W.3d 471, 485-86 (Tex. App.–Houston [14th Dist.] 2003, orig. proceeding). Accordingly, the petition for writ of mandamus is DENIED. See TEX. R. APP. P. 52.8(a).

PER CURIAM

Memorandum Opinion delivered and
filed this 30th day of June, 2008.