



**NUMBER 13-16-00487-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**IN RE JAMES HOLLAND**

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**On Petition for Writ of Mandamus.**

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**MEMORANDUM OPINION**

**Before Chief Justice Valdez and Justices Rodriguez and Benavides  
Memorandum Opinion Per Curiam<sup>1</sup>**

By petition for writ of mandamus, relator James Holland seeks to compel the trial court to vacate an order transferring venue of the underlying suit affecting the parent-child relationship from DeWitt County, Texas to Hidalgo County, Texas. *See generally* TEX. FAM. CODE ANN. § 103.001 (West, Westlaw through 2015 R.S.). Holland contends that the venue is mandatory in Hidalgo County, Texas, because that is where he resided and where he had care, custody, and possession of minor child, O.J.H., and that is where the

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<sup>1</sup> See TEX. R. APP. P. 52.8(d) (“When granting relief, the court must hand down an opinion as in any other case,” but 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).

child's mother and real party in interest, Elizabeth Castillo, left minor O.J.H. in Holland's possession, care, and custody.

Mandamus is an extraordinary remedy. *In re H.E.B. Grocery Co.*, 492 S.W.3d 300, 302 (Tex. 2016) (orig. proceeding) (per curiam). Mandamus relief is proper to correct a clear abuse of discretion when there is no adequate remedy by appeal. *In re Christus Santa Rosa Health Sys.*, 492 S.W.3d 276, 279 (Tex. 2016) (orig. proceeding). The relator bears the burden of proving both of these requirements. *In re H.E.B. Grocery Co.*, 492 S.W.3d at 302; *Walker v. Packer*, 827 S.W.2d 833, 840 (Tex. 1992) (orig. proceeding). In this regard, appellate courts may not deal with disputed areas of fact in original proceedings. *In re Woodfill*, 470 S.W.3d 473, 478 (Tex. 2015) (orig. proceeding); *West v. Solito*, 563 S.W.2d 240, 245 (Tex. 1978) (orig. proceeding).

An abuse of discretion occurs when a trial court's ruling is arbitrary and unreasonable or is made without regard for guiding legal principles or supporting evidence. *In re Nationwide Ins. Co. of Am.*, No. 15-0328, 2016 WL 3537206, at \*2, \_\_\_ S.W.3d \_\_\_, \_\_ (Tex. June 24, 2016) (orig. proceeding); *Ford Motor Co. v. Garcia*, 363 S.W.3d 573, 578 (Tex. 2012). We determine the adequacy of an appellate remedy by balancing the benefits of mandamus review against the detriments. *In re Essex Ins. Co.*, 450 S.W.3d 524, 528 (Tex. 2014) (orig. proceeding); *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 136 (Tex. 2004) (orig. proceeding). Appeal is an inadequate remedy to address the rights of parents and children to trial in a particular venue, and therefore, mandamus relief is available to compel the mandatory transfer of a suit affecting the parent-child relationship. *Proffer v. Yates*, 734 S.W.2d 671, 672 (Tex. 1987) (orig. proceeding); *In re Nabors*, 276 S.W.3d 190, 193 (Tex. App.—Houston [14th Dist.] 2009,

orig. proceeding); *In re Narvaiz*, 193 S.W.3d 695, 699 (Tex. App.—Beaumont 2006, orig. proceeding); *In re Wheeler*, 177 S.W.3d 350, 352 (Tex. App.—Houston [1st Dist.] 2005, orig. proceeding).

The Court, having examined and fully considered the petition for writ of mandamus, the response filed by Castillo, and the applicable law, is of the opinion that relator has not shown himself entitled to the relief sought. Accordingly, we DENY the petition for writ of mandamus. See TEX. R. APP. P. 52.8(a).

PER CURIAM

Delivered and filed this  
5th day of October, 2016.