



NUMBER 13-17-00200-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN RE JAIRUS PEGUES

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Rodriguez and Hinojosa
Memorandum Opinion by Justice Hinojosa¹**

By his third pro se petition for writ of mandamus, Jairus Pegues seeks to compel the Clerk of this Court to file his “principal brief for appeal” as timely filed in our appellate cause number 13-16-00383-CV, *Jairus Pegues v. Adecco USA, Inc.*, on the date it was received.² In his first two pro se petitions for writ of mandamus, Pegues sought this same

¹ 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).

² His appeal was transferred to this Court from the Third Court of Appeals by order of the Texas Supreme Court. See TEX. GOV'T CODE ANN. § 22.220(a) (West, Westlaw through 2015 R.S.) (delineating the jurisdiction of appellate courts); TEX. GOV'T CODE ANN. § 73.001 (West, Westlaw through 2015 R.S.) (granting the supreme court the authority to transfer cases from one court of appeals to another at any time that there is “good cause” for the transfer).

relief and other additional forms of relief. See *In re Pegues*, No. 13-17-00162-CV, 2017 WL 1161137, at *1 (Tex. App.—Corpus Christi Mar. 28, 2017, orig. proceeding) (mem. op.); *In re Pegues*, No. 13-17-00158-CV, 2017 WL 1161138, at *1 (Tex. App.—Corpus Christi Mar. 28, 2017, orig. proceeding) (mem. op.).

Mandamus is an extraordinary remedy. *In re H.E.B. Grocery Co., L.P.*, 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 (Tex. 2016) (orig. proceeding). The relator bears the burden of proving both of these requirements. *In re H.E.B. Grocery Co., L.P.*, 492 S.W.3d at 302; *Walker v. Packer*, 827 S.W.2d 833, 840 (Tex.1992) (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.*, 494 S.W.3d 708, 712 (Tex. 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).

As we have stated previously, as a threshold matter, Pegues has an adequate remedy by resort to motions filed in the pending appeal. Further, to the extent that Pegues seeks relief as against this Court, any such relief would be rendered by the Texas Supreme Court. For the reasons stated herein and in Pegues' first two original proceedings, we deny this third petition for writ of mandamus and all relief sought therein.

LETICIA HINOJOSA
Justice

Delivered and filed the
28th day of April, 2017.