



**NUMBER 13-17-00326-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

---

---

**IN RE THELMA DORIS FERRY**

---

---

**On Petition for Writ of Mandamus.**

---

---

## **MEMORANDUM OPINION**

**Before Chief Justice Valdez and Justices Longoria and Hinojosa  
Memorandum Opinion by Justice Hinojosa<sup>1</sup>**

Relator Thelma Doris Ferry, proceeding pro se, filed a petition for writ of mandamus in the above cause on June 21, 2017. Through this original proceeding, relator seeks to (1) set aside a “First Amended Retirement Benefits Court Order” signed on March 3, 2016, and (2) compel the respondent, the Honorable David Stith, to withdraw from presiding over any matters in this same cause. The Court requested and received

---

<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).

a response to the petition for writ of mandamus from the real party in interest, Dale James Ferry. See TEX. R. APP. P. 52.2, 52.4, 52.8. We further abated and remanded this matter to the trial court.

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). 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).

The Court, having examined and fully considered the petition for writ of mandamus and the applicable law, is of the opinion that relator has not shown herself entitled to the relief sought. Accordingly, we REINSTATE this original proceeding. We DENY relator's motion for reconsideration of our order of abatement. We DENY the petition for writ of mandamus. See TEX. R. APP. P. 52.8(a).

LETICIA HINOJOSA  
Justice

Delivered and filed the  
26th day of September, 2017.