

Denied and Opinion Filed April 26, 2021



In The  
Court of Appeals  
Fifth District of Texas at Dallas

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No. 05-21-00118-CV

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IN RE ADMATT PAINTING & CONSTRUCTION, INC., Relator

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Original Proceeding from the County Court at Law No. 1  
Dallas County, Texas  
Trial Court Cause No. CC-20-02082-A

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**MEMORANDUM OPINION**

Before Justices Schenck, Nowell, and Garcia  
Opinion by Justice Schenck

Relator's February 24, 2021 petition for writ of mandamus asks us to consider whether the trial court clearly abused its discretion by dismissing the underlying suit for want of prosecution without ruling on relator's motion for default judgment. Entitlement to mandamus relief requires relator to show that the trial court has clearly abused its discretion and that relator has no adequate appellate remedy. *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). After reviewing the petition and record, we conclude that relator has failed to show that it lacks an adequate remedy by appeal. *See Unifund CCR Partners v. Smith*, No.

05-07-01449-CV, 2009 WL 2712385, at \*1 (Tex. App.—Dallas Aug. 31, 2009, pet. dismissed) (mem. op.) (reviewing on appeal whether trial court failed to rule on motion for default judgment before dismissing suit for want of prosecution). Accordingly, we deny mandamus relief. *See* TEX. R. APP. P. 52.8(a).

/David J. Schenck/  
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DAVID J. SCHENCK  
JUSTICE

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