

Denied and Opinion Filed June 12, 2021



In The  
Court of Appeals  
Fifth District of Texas at Dallas

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No. 05-21-00268-CV

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IN RE DAVID BARNES, Relator

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Original Proceeding from the 330th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DF-17-17289

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**MEMORANDUM OPINION**

Before Justices Osborne, Pedersen, III, and Goldstein  
Opinion by Justice Osborne

Relator's April 21, 2021 petition for writ of mandamus challenges the trial court's order denying his plea to the jurisdiction. To be entitled to mandamus relief, relator must demonstrate that the trial court has clearly abused its discretion and that he has no adequate appellate remedy. *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). Based on our review of the petition and the record before us, we conclude that relator has failed to show an abuse of discretion. Accordingly, we deny the petition for writ of mandamus. *See* TEX. R. APP. P. 52.8(a).

Having denied the petition, we also deny relator's motion for temporary relief as moot.

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/Leslie Osborne//  
LESLIE OSBORNE  
JUSTICE