

Denied and Opinion Filed July 20, 2021



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-21-00570-CV

IN RE ERIC DRAKE, Relator

Original Proceeding from the 162nd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-20-13508

MEMORANDUM OPINION

Before Chief Justice Burns, Justice Molberg, and Justice Reichek
Opinion by Justice Molberg

In his July 14, 2021 petition for writ of mandamus, writ of prohibition, and emergency relief, relator is a vexatious litigant challenging various issues related to the local administrative judge's denial of his request for permission to file litigation. Entitlement to mandamus relief requires relator to show that the trial court clearly abused its discretion and that he lacks an adequate appellate remedy. *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). Further, a writ of prohibition is a limited purpose remedy used to enable an appellate court to protect and enforce its jurisdiction and judgments. *Holloway v. Fifth Court of Appeals*, 767 S.W.2d 680, 683 (Tex. 1989) (orig. proceeding); *In re Herrera*, No. 05-14-00394-

CV, 2014 WL 1477922, at *1 (Tex. App.—Dallas April 14, 2014, orig. proceeding)
(mem. op.).

Based on our review of the petition and record, we conclude that relator has failed to show his entitlement to the relief requested. We also conclude that this case does not fall within this Court's limited jurisdiction to issue a writ of prohibition. Accordingly, we deny the petition to the extent it seeks a writ of mandamus, and we dismiss the petition to the extent it seeks a writ of prohibition. Having denied the petition, we also deny the request for emergency relief as moot.

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/Ken Molberg//

KEN MOLBERG
JUSTICE