

DENY; and Opinion Filed January 24, 2019.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-19-00078-CV

IN RE EMEKA ALUDOGBU AND RESTORATIVE HEALTHCARE, LLC, Relators

**Original Proceeding from the 101st Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-19-00112**

MEMORANDUM OPINION

Before Justices Brown, Schenck, and Reichek
Opinion by Justice Brown

In this original proceeding, relators seek a writ of mandamus directing the trial court to dissolve the January 4, 2019 temporary restraining order and vacate the January 18, 2019 orders extending the temporary restraining order, continuing the temporary injunction hearing, and permitting expedited discovery. Relators also seek a stay of relator Emeka Aludogbu's deposition, which is scheduled for January 25, 2019.

To obtain mandamus relief, relators must show that the trial court clearly abused its discretion and that relators have no adequate remedy by appeal. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). A party has no remedy by appeal when a temporary restraining order is granted that is not in compliance with the rules, and a writ of mandamus is appropriate in such situations. *In re Office of Attorney Gen.*, 257 S.W.3d 695, 697–98 (Tex. 2008) (orig. proceeding); *In re Tex. Nat. Res. Conservation Comm'n*, 85 S.W.3d 201, 207 (Tex. 2002); *In re S. Foods Group, LLC*, No. 05-13-01348-CV, 2013 WL 5888255, at *1 (Tex.

App.—Dallas Oct. 31, 2013, orig. proceeding). Based on the record before us, we conclude relators have not shown they are entitled to the relief requested. Accordingly, we deny relators' petition for writ of mandamus. *See* TEX. R. APP. P. 52.8(a) (the court must deny the petition if the court determines relator is not entitled to the relief sought).

/Ada Brown/

ADA BROWN
JUSTICE

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