

DENY; and Opinion Filed May 20, 2019.



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

No. 05-19-00578-CV

IN RE RODNEY JAMES ROHRICH, M.D., Relator

**Original Proceeding from the 14th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-17-15886**

MEMORANDUM OPINION

Before Justices Schenck, Osborne, and Reichel
Opinion by Justice Schenck

In this original proceeding, relator seeks a writ of mandamus directing the trial court to vacate a May 2, 2019 show cause order and a March 4, 2019 order compelling production of data referenced in an April 2018 article written by relator. To be entitled to mandamus relief, a relator must show both 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). Based on the record before us, we conclude relator has not shown an abuse of discretion. Further, relator has not presented his arguments to the trial court regarding compliance with the order compelling production or regarding objections to the production. He is, therefore, not entitled to mandamus relief. *In re Coppola*, 535 S.W.3d 506, 510 (Tex. 2017) (orig. proceeding) (“Due to the extraordinary nature of the remedy, the right to mandamus relief generally requires a predicate request for action by the respondent, and the respondent’s erroneous refusal to act”). Accordingly, we deny relator’s 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).

/David J. Schenck/

DAVID J. SCHENCK
JUSTICE

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