

DENY and Opinion Filed March 3, 2022



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

No. 05-22-00093-CV

IN RE ASPEN HEIGHTS CONSTRUCTION, LLC, Relator

**Original Proceeding from the 192nd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-20-15745**

MEMORANDUM OPINION

Before Justices Molberg, Pedersen, III, and Garcia
Opinion by Justice Molberg

In this original proceeding, relator challenges the trial court’s January 31, 2022 contempt order. 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).

Based on the record before us, we conclude relator has not shown its entitlement to the relief requested. *See In re Rowes*, No. 05-14-00606-CV, 2014 WL 2452723, at *1 (Tex. App.—Dallas May 30, 2014, orig. proceeding) (mem. op.) (“A court cannot grant mandamus relief unless the error was raised in the trial court.”).

Accordingly, we deny the petition for writ of mandamus. We also lift the stay issued by our February 7, 2022 order.

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/Ken Molberg/
KEN MOLBERG
JUSTICE