In The

Court of Appeals

Ninth District of Texas at Beaumont

NO. 09-14-00028-CV

IN RE MUJTABA ALI KHAN

Original Proceeding

MEMORANDUM OPINION

In this original mandamus proceeding Mujtaba Ali Khan ("Khan") contends that the trial court abused its discretion in ordering a show cause hearing for alleged violations of two temporary injunction orders ("the temporary injunction orders"). *See Xenon Anesthesia of Tex. P.L.L.C. v. Xenon Health L.L.C.*, No. 09-12-00553-CV, 2013 WL 1279408, at *4 (Tex. App.—Beaumont Mar. 28, 2013, no pet.) (mem. op.). Khan argues the temporary injunction orders are void because the trial court granted Khan's motion for continuance and re-set the trial date to a later date than the trial dates contained in the temporary injunction orders. The trial court reset the trial date for February 10, 2014. Khan asks this Court to issue a

temporary stay of the trial court proceedings and to issue a writ of mandamus directing the trial court (1) to vacate its order setting the show cause hearing, and (2) to dissolve the temporary injunctions. *See* Tex. R. App. P. 52.8(c); *see also* Tex. R. App. P. 52.10(b).

After reviewing the petition for writ of mandamus and the mandamus record, we conclude that the relator has not established an abuse of discretion by the trial court. *See In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004) (orig. proceeding); *In re CI Host, Inc.*, 92 S.W.3d 514, 516 (Tex. 2002) (orig. proceeding). We deny the petition for writ of mandamus and motion for temporary relief. *See* Tex. R.App. P. 52.8(a).

PETITION DENIED.

PER CURIAM

Opinion Delivered January 16, 2014

Before McKeithen, C.J., Horton and Johnson, JJ.