In The

Court of Appeals

Ninth District of Texas at Beaumont

NO. 09-16-00184-CV

IN RE ROBERT NORMAN SMITHBACK

Original Proceeding
411th District Court of Polk County, Texas
Trial Cause No. CIV29146

MEMORANDUM OPINION

Relator, Robert Norman Smithback, filed a pro se petition for writ of mandamus, in which he contends the trial court abused its discretion in dismissing relator's case for failing to comply with Chapter 14 of the Texas Civil Practice and Remedies Code. A writ of mandamus is an extraordinary remedy that may be issued to correct a clear abuse of discretion when that abuse cannot be remedied by appeal. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004) (orig. proceeding); *Walker v. Packer*, 827 S.W.2d 833, 840-44 (Tex. 1992) (orig. proceeding). After reviewing the mandamus record and petition, we conclude that the relator has not demonstrated that he is entitled to mandamus relief. Relator has

not shown that the trial court abused its discretion in dismissing his lawsuit and that he has no adequate remedy by appeal. Accordingly, relator's petition for writ of mandamus is denied. *See* Tex. R. App. P. 52.8(a).

PETITION DENIED.

PER CURIAM

Submitted on June 15, 2016
Opinion Delivered June 16, 2016

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