

COURT OF APPEALS OF TEXAS, THIRTEENTH DISTRICT, CORPUS
CHRISTI–EDINBURG

In re 7-Eleven, Inc. d/b/a Stripes and Sandra Uribe

No. 13-26-00114-CV (Tex. App.—Corpus Christi–Edinburg Feb. 19, 2026) (mem. op.) · No. 13-26-00114-CV ·
Decided February 19, 2026

SUMMARY

The Thirteenth Court of Appeals of Texas considered a petition for writ of mandamus seeking rulings on 7-Eleven’s motions for severance and Sandra Uribe’s motion to dismiss under Texas Rule of Civil Procedure 91a. The court dismissed the severance-related claims as moot because the trial court had subsequently denied the severance motion. It conditionally granted mandamus relief concerning the Rule 91a motion and directed the trial court to promptly issue a ruling.

CASE DETAILS

COURT	Court of Appeals of Texas, Thirteenth District, Corpus Christi–Edinburg
WRITING FOR THE COURT	Jaime Tijerina; Chief Justice Jaime Tijerina; Justice Peña; Justice West
JURISDICTION	Court of Appeals of Texas, Thirteenth District, Corpus Christi–Edinburg
DECIDED	February 19, 2026
DOCKET	13-26-00114-CV
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Original proceeding on a petition for writ of mandamus challenging the trial court's failure to rule on 7-Eleven's motions for severance and Sandra Uribe's Texas Rule of Civil Procedure 91a motion to dismiss.
STANDARD OF REVIEW	Mandamus requires the relator to establish both a clear abuse of discretion and the absence of an adequate remedy by appeal. Whether the trial court failed to rule within a reasonable time is determined from the totality of the facts and circumstances. A trial court abuses its discretion when no evidence supports its ruling or when it could reasonably have reached only a contrary conclusion.
PRECEDENTIAL VALUE	Published memorandum opinion; the opinion states that it is a memorandum opinion but the supplied metadata identifies the decision as published.

PARTIES

7-Eleven, Inc. d/b/a Stripes, Sandra Uribe v. Irma Moreno, Zaya Zavala, Juan Francisco Briones

TOPICS

writ of certiorari

appellate procedure

motions to dismiss

mootness

civil procedure

PRACTICE AREAS

civil procedure

appellate procedure

mandamus

tort litigation

QUESTIONS PRESENTED

1. Whether the portion of the mandamus proceeding concerning 7-Eleven's motions for severance became moot after the trial court denied the renewed severance motion.
2. Whether the trial court abused its discretion by failing to rule on Uribe's Rule 91a motion to dismiss within a reasonable time.
3. Whether Uribe established the requirements for mandamus relief based on the trial court's failure to rule.

HOLDINGS

1. The portion of the mandamus petition challenging the trial court's failure to rule on 7-Eleven's severance motions was moot because the trial court subsequently denied those motions.
2. A trial court has an affirmative duty under Texas Rule of Civil Procedure 91a.3 to grant or deny a Rule 91a motion within forty-five days after filing.
3. Uribe was entitled to mandamus relief because she properly filed the motion, procured a hearing addressing its merits, and the trial court failed to rule within the forty-five-day period and within a reasonable time.

KEY QUOTATIONS

"A case becomes moot if, since the time of filing, there has ceased to exist a justiciable controversy between the parties—that is, if the issues presented are no longer 'live,' or if the parties lack a legally cognizable interest in the outcome." (at 4)

"Mandamus relief is an extraordinary remedy available only when (1) the trial court clearly abused its discretion, and (2) the party seeking relief lacks an adequate remedy on appeal." (at 5)

"Further, considering the totality of the facts and circumstances present here, including the intended purpose of a Rule 91a motion as an expedited procedure and the statutory requirement for the trial court to rule on such motions within a specified period of time, we conclude that the trial court failed to comply with its ministerial duty to rule on Uribe's Rule 91a motion to dismiss within a reasonable time." (at 7)

FACTUAL BACKGROUND

Irma Moreno and Zaya Zavala sued 7-Eleven, Sandra Uribe, and Juan Francisco Briones, alleging sexual violence and rape by Briones and failures by Uribe and 7-Eleven to respond appropriately. Uribe filed a Rule 91a motion to dismiss on August 15, 2025, which was heard on October 2, 2025, but the trial court did not rule on it. 7-Eleven also sought severance of claims, but the trial court later denied its renewed severance motion while the mandamus proceeding was pending.

PROCEDURAL HISTORY

Moreno and Zavala sued 7-Eleven, Uribe, and Briones for claims including battery, negligent undertaking, negligence, premises liability, and gross negligence. The trial court dismissed Zavala's claims against 7-Eleven after granting a plea to the jurisdiction, later granted summary judgment for 7-Eleven on Moreno's claims, and failed to rule on 7-Eleven's severance motions and Uribe's Rule 91a motion after hearings. While the mandamus proceeding was pending, the trial court denied 7-Eleven's renewed severance motion and vacated and reconsidered the summary-judgment orders. The court of appeals dismissed the severance portion as moot and conditionally granted mandamus relief requiring a ruling on Uribe's Rule 91a motion.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The trial court must immediately issue a ruling on Uribe's Rule 91a motion to dismiss. The writ will issue only if the trial court fails to act promptly in accordance with the memorandum opinion.

CASES CITED

- Zavala v. 7-Eleven, Inc., No. 13-24-00370-CV, 2024 WL 3818556, at *1 (Tex. App.—Corpus Christi—Edinburg Aug. 15, 2024, no pet.) (mem. op.)
- In re Ill. Nat'l Ins., 685 S.W.3d 826, 834 (Tex. 2024) (orig. proceeding)
- In re Liberty Cnty. Mut. Ins., 679 S.W.3d 170, 174 (Tex. 2023) (orig. proceeding) (per curiam)
- In re AutoZoners, LLC, 694 S.W.3d 219, 223 (Tex. 2024) (orig. proceeding) (per curiam)
- In re Auburn Creek Ltd. P'ship, 655 S.W.3d 837, 843 (Tex. 2022) (orig. proceeding) (per curiam)
- In re Prudential Ins. Co. of Am., 148 S.W.3d 124, 136-37 (Tex. 2004) (orig. proceeding)
- Heckman v. Williamson County, 369 S.W.3d 137, 162 (Tex. 2012)
- In re Kellogg Brown & Root, Inc., 166 S.W.3d 732, 737 (Tex. 2005) (orig. proceeding)
- In re Cont. Freighters, Inc., 646 S.W.3d 810, 813 (Tex. 2022) (orig. proceeding) (per curiam)
- In re First Resrv. Mgmt., L.P., 671 S.W.3d 653, 659 (Tex. 2023) (orig. proceeding)
- In re Oncor Elec. Delivery Co., 716 S.W.3d 525, 531 (Tex. 2025) (orig. proceeding)
- In re Farmers Tex. Cnty. Mut. Ins., 621 S.W.3d at 266
- In re Butt, 495 S.W.3d 455, 460 (Tex. App.—Corpus Christi—Edinburg 2016, orig. proceeding)
- In re City of Houston, No. 01-24-00629-CV, 2024 WL 4846843, at *3-*4 (Tex. App.—Houston [1st Dist.] Nov. 21, 2024, orig. proceeding) (per curiam)

- MedFin Manager, LLC v. Stone, 613 S.W.3d 624, 628 (Tex. App.—San Antonio 2020, no pet.)
- In re Joel Kelley Ints., Inc., No. 05-19-00559-CV, 2019 WL 2521725, at *1-*2 (Tex. App.—Dallas June 19, 2019, orig. proceeding) (mem. op.)
- In re GTG Sols., Inc., 642 S.W.3d 47, 49-50 (Tex. App.—El Paso 2021, orig. proceeding)
- In re Chavez, 62 S.W.3d 225, 228 (Tex. App.—Amarillo 2001, orig. proceeding)
- In re ADUSA Transp. LLC, No. 13-25-00146-CV, 2025 WL 1351539, at *2 (Tex. App.—Corpus Christi—Edinburg May 8, 2025, orig. proceeding) (mem. op.)
- In re Blakeney, 254 S.W.3d 659, 661-62 (Tex. App.—Texarkana 2008, orig. proceeding)
- In re Villarreal, 96 S.W.3d 708, 710 (Tex. App.—Amarillo 2003, orig. proceeding)

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