

COURT OF APPEALS FOR THE EIGHTH DISTRICT OF TEXAS

In re Quintilya Thomas

No. 08-26-00120-CV · No. No. 08-26-00120-CV · Decided March 20, 2026

SUMMARY

The Eighth Court of Appeals of Texas dismissed a relator’s emergency motion for temporary relief and stay because it was filed without an accompanying petition for writ of mandamus. The dismissal was for want of jurisdiction and was without prejudice to refiling after a mandamus petition is filed.

OPINION

In Re Quintilya Thomas v. the State of Texas

PER CURIAM.

COURT OF APPEALS

EIGHTH DISTRICT OF TEXAS

EL PASO, TEXAS

No. 08-26-00120-CV In re Quintilya Thomas

AN ORIGINAL PROCEEDING IN MANDAMUS

M E M O R A N D U M O P I N I O N

Pending before the Court is Relator’s emergency motion for temporary relief and stay pending mandamus, in which she requests that this Court immediately stay enforcement of default temporary orders allegedly entered by the 388th District Court. Because the motion is not accompanied by a petition, we dismiss the motion for want of jurisdiction. To commence an original appellate proceeding seeking extraordinary relief, a relator must file a petition with the clerk of the appellate court. Tex. R. App. P. 52.1. Once the original proceeding has commenced, a party may seek temporary relief pending the court’s action on the petition. Tex. R. App. P. 52.10(a), (b). Although Rule 52.10(b) authorizes this Court to grant temporary relief, it implicitly requires a petition to invoke our jurisdiction. See Tex. R. App. P. 52.10(b); see also *In re Hicks*, 524 S.W.3d 307 (Tex. App.—Waco 2016, orig. proceeding) (finding an emergency motion filed without a petition to be “premature” and dismissing the motion); *In re Kelleher*, 999 S.W.2d 51, 52 (Tex. App.—Amarillo 1999, orig. proceeding) (“Implicit within this rule is the need for a petition to be filed before the court can grant emergency relief.”); *In re Nonamé*, No. 03-25-00937-CV, 2025 WL 3491569, at *1 (Tex. App.—Austin Dec. 5, 2025, orig. proceeding) (mem. op.) (dismissing for want of jurisdiction a motion for temporary relief without a petition). Because Relator has not commenced an original proceeding, we lack jurisdiction over her motion seeking emergency relief. We dismiss the motion for want of jurisdiction without prejudice to refiling after

a petition for writ of mandamus has been filed. MARIA SALAS MENDOZA, Chief Justice March 20, 2026 Before Salas Mendoza, C.J., Palafox and Soto, JJ. 2

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