

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

In re Persian Marshall

No. 13-26-00126-CV · No. 13-26-00126-CV · Decided February 23, 2026

SUMMARY

The Thirteenth Court of Appeals of Texas denied Persian Marshall’s petition for writ of mandamus. The court held that Marshall did not meet her burden to show entitlement to mandamus relief and lifted the previously imposed stay.

CASE DETAILS

COURT	Texas Court of Appeals, Thirteenth District, Corpus Christi–Edinburg
WRITING FOR THE COURT	Jenny Cron; Justice Silva; Justice Cron; Justice Fonseca
JURISDICTION	Texas Court of Appeals, Thirteenth District
DECIDED	February 23, 2026
DOCKET	13-26-00126-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Persian Marshall sought mandamus relief from an order of the trial court that allegedly vacated a prior judge's orally rendered final judgment and ordered a complete retrial.
STANDARD OF REVIEW	Mandamus relief requires the relator to show that the trial court clearly abused its discretion and that the relator lacks an adequate remedy by appeal. The relator bears the burden of proving both requirements.
PRECEDENTIAL VALUE	Published memorandum opinion; no reporter citation appears in the opinion text.
PARTIES	Persian Marshall, relator

TOPICS

- appellate procedure
- standard of review
- family law procedure
- remedies

PRACTICE AREAS

- appellate procedure
- Texas family law

QUESTIONS PRESENTED

1. Whether the trial court clearly abused its discretion by vacating a prior judge's orally rendered final judgment and ordering a complete retrial rather than using a clarifying order or limited hearing.
2. Whether Persian Marshall lacked an adequate remedy by appeal.
3. Whether Persian Marshall satisfied the requirements for mandamus relief.

HOLDINGS

1. A relator seeking mandamus relief must establish both that the trial court clearly abused its discretion and that the relator lacks an adequate remedy by appeal.
2. Persian Marshall did not satisfy her burden to obtain mandamus relief.

KEY QUOTATIONS

“Mandamus relief is an extraordinary remedy available only on a showing that (1) the trial court clearly abused its discretion and (2) the party seeking relief lacks an adequate remedy on appeal.”

“The relator bears the burden of proving these two requirements.”

FACTUAL BACKGROUND

A trial court entered an order that allegedly vacated a prior judge's orally rendered final judgment and required a complete retrial on all issues. Persian Marshall argued that the trial court could instead have used a less drastic remedy, such as a clarifying order under Texas Family Code section 157.421 or a limited hearing. She sought mandamus relief, asserting both an abuse of discretion and the absence of an adequate appellate remedy.

PROCEDURAL HISTORY

Marshall filed a petition for writ of mandamus asserting that the trial court abused its discretion and that she lacked an adequate remedy by appeal. The court of appeals concluded that she did not meet her burden to obtain mandamus relief, lifted the previously imposed stay, and denied the petition.

DISPOSITION

writ_denied

CASES CITED

- In re Ill. Nat'l Ins., 685 S.W.3d 826, 834 (Tex. 2024) (orig. proceeding)
- Walker v. Packer, 827 S.W.2d 833, 839–40 (Tex. 1992) (orig. proceeding)
- In re H.E.B. Grocery Co., 492 S.W.3d 300, 302 (Tex. 2016) (orig. proceeding) (per curiam)

OPINION

PER CURIAM.

NUMBER 13-26-00126-CV COURT OF APPEALS THIRTEENTH DISTRICT OF TEXAS
CORPUS CHRISTI – EDINBURG IN RE PERSIAN MARSHALL ON PETITION FOR WRIT
OF MANDAMUS MEMORANDUM OPINION Before Justices Silva, Cron, and Fonseca
Memorandum Opinion by Justice Cron1 Relator Persian Marshall filed a petition for writ of
mandamus through which she asserts that: (1) the trial court abused its discretion by “signing an
order that vacated a prior judge’s orally rendered final judgment, thereby ordering a complete
retrial on all issues, when a less drastic remedy, such as a clarifying order under Texas Family
Code 1 See TEX. R. APP.

P. 52.8(d) (“When denying relief, the court may hand down an opinion but is not required to do so.
When granting relief, the court must hand down an opinion as in any other case.”); id. R. 47.4
(distinguishing opinions and memorandum opinions). § 157.421 or a limited hearing, was
available to address any purported lack of specificity”; and (2) relator lacks an adequate remedy by
appeal to remedy the trial court’s error. “Mandamus relief is an extraordinary remedy available
only on a showing that (1) the trial court clearly abused its discretion and (2) the party seeking
relief lacks an adequate remedy on appeal.” In re Ill. Nat’l Ins., 685 S.W.3d 826, 834 (Tex.

2024) (orig. proceeding); Walker v. Packer, 827 S.W.2d 833, 839–40 (Tex. 1992) (orig.
proceeding). “The relator bears the burden of proving these two requirements.” In re H.E.B.
Grocery Co., 492 S.W.3d 300, 302 (Tex. 2016) (orig. proceeding) (per curiam); Walker, 827
S.W.2d at 840.

The Court, having examined and fully considered the petition for writ of mandamus and the
applicable law, is of the opinion that relator has not met her burden to obtain relief. Accordingly,
we lift the stay previously imposed in this case. See TEX. R. APP. P. 52.10.

We deny the petition for writ of mandamus. JENNY CRON Justice Delivered and filed on the 23rd
day of February, 2026. 2