

ELEVENTH COURT OF APPEALS OF TEXAS

In re Christopher M. Perricone

No. 11-25-00368-CV (Tex. App.—Eastland Dec. 31, 2025) (mem. op.) · No. 11-25-00368-CV · Decided
December 31, 2025

SUMMARY

The Eleventh Court of Appeals dismissed Christopher M. Perricone’s original mandamus petition for want of jurisdiction. The court held that it lacked authority to compel the Palo Pinto County District Clerk to assign a new cause number to Relator’s recusal claim and dismissed all pending motions as moot.

CASE DETAILS

COURT	Eleventh Court of Appeals of Texas
WRITING FOR THE COURT	W. Bruce Williams; Bailey, C.J.; Trotter, J.; Williams, J.
JURISDICTION	Eleventh Court of Appeals of Texas
DECIDED	December 31, 2025
DOCKET	11-25-00368-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Original mandamus proceeding in which the relator sought to compel the Palo Pinto County District Clerk to assign his recusal claim a new cause number under Texas Civil Practice and Remedies Code section 30.017(b).
STANDARD OF REVIEW	Mandamus relief requires a clear abuse of discretion and the absence of an adequate remedy by appeal. The relator bears the burden of providing a sufficient record to establish entitlement to relief. The court also independently considered the limits of its original writ jurisdiction.
PRECEDENTIAL VALUE	Unpublished memorandum opinion; not designated for publication under Texas Rule of Appellate Procedure 47.2(b).
PARTIES	Christopher M. Perricone, pro se relator v. Palo Pinto County District Clerk

TOPICS

appellate jurisdiction

writ of certiorari

appellate procedure

remedies

civil procedure

PRACTICE AREAS

Civil procedure

Appellate procedure

Mandamus

QUESTIONS PRESENTED

1. Whether the Eleventh Court of Appeals had original mandamus jurisdiction to compel the Palo Pinto County District Clerk to assign the relator's recusal claim a new cause number.
2. Whether the relator established entitlement to mandamus relief.

HOLDINGS

1. The Eleventh Court of Appeals lacked jurisdiction to issue the requested writ against the Palo Pinto County District Clerk because the relator did not demonstrate that the court's jurisdiction was implicated in another proceeding or that the clerk was a proper party against whom the appellate court could issue a writ under the circumstances.
2. The relator did not establish entitlement to mandamus relief because he failed to satisfy the jurisdictional requirements for the requested writ and did not provide a basis for the court of appeals to grant relief against the district clerk.

KEY QUOTATIONS

“Mandamus is an “extraordinary” remedy that is “available only in limited circumstances.”” (1)

“We therefore have no jurisdiction as an intermediate appellate court to grant the relief that Relator seeks against the district clerk.” (2)

FACTUAL BACKGROUND

Christopher M. Perricone sought to have a recusal claim assigned a new cause number under Texas Civil Practice and Remedies Code section 30.017(b). He alleged that the Palo Pinto County District Clerk had a ministerial duty to assign the claim a new cause number and asked the court of appeals to compel performance of that duty.

PROCEDURAL HISTORY

Perricone filed an original petition for writ of mandamus in the Eleventh Court of Appeals. The court concluded that it lacked jurisdiction to issue the requested writ against the district clerk and dismissed the petition for want of jurisdiction; it also dismissed all pending motions as moot.

DISPOSITION

dismissed

CASES CITED

- Walker v. Packer, 827 S.W.2d 833, 837, 839–40 (Tex. 1992) (orig. proceeding)
- In re Prudential Ins. Co. of Am., 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding)
- In re Cerberus Cap. Mgmt., L.P., 164 S.W.3d 379, 382 (Tex. 2005) (orig. proceeding) (per curiam)
- In re Perricone, No. 11-25-00288-CV, 2025 WL 2980655, at *1 (Tex. App.—Eastland Oct. 23, 2025, orig. proceeding) (mem. op.)
- In re Eller, 672 S.W.3d 194, 194–95 (Tex. App.—Waco 2023, orig. proceeding)
- Tex. Tel. Ass'n v. Pub. Util. Comm'n of Tex., 653 S.W.3d 227, 263 (Tex. App.—Austin 2022, no pet.)

OPINION

PER CURIAM.

Opinion filed December 31, 2025 In The Eleventh Court of Appeals _____ No. 11-25-00368-CV _____ IN RE CHRISTOPHER M. PERRICONE Original Mandamus Proceeding MEMORANDUM OPINION Pro se Relator, Christopher M. Perricone, filed this original proceeding seeking relief against the Palo Pinto County District Clerk. Relator asks this court to compel the district clerk to perform his ministerial duty to assign Relator's recusal claim a new cause number pursuant to Section 30.017(b) under Texas Civil Practice and Remedies Code.

See TEX. CIV. PRAC. & REM. CODE ANN. § 30.017 (West Supp. 2025). 1 1 Section 30.017 provides that a claim against a district court judge that is added to a case pending in that court is automatically severed from the original case, and “[t]he clerk of the court shall assign the claim a new cause number.” CIV. PRAC. & REM. § 30.017(a), (b). Mandamus is an “extraordinary” remedy that is “available only in limited circumstances.” Walker v. Packer, 827 S.W.2d 833, 840 (Tex.

1992) (orig. proceeding). A writ of mandamus will only issue if the trial court clearly abuses its discretion, and the relator has no adequate remedy on appeal. In re Prudential Ins. Co. of Am., 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). “A trial court abuses its discretion ‘if it reaches a decision so arbitrary and unreasonable as to amount to a clear and prejudicial error of law.’” In re Cerberus Cap.

Mgmt., L.P., 164 S.W.3d 379, 382 (Tex. 2005 (orig. proceeding) (per curiam) (quoting Walker, 827 S.W.2d at 839). It is the relator's burden to provide the reviewing court with a sufficient record to establish the right to mandamus relief. TEX. R. APP. P. 52.3, 52.7; see Walker, 827 S.W.2d at 837; In re Perricone, No. 11-25-00288-CV, 2025 WL 2980655, at *1 (Tex.

App.—Eastland Oct. 23, 2025, orig. proceeding) (mem. op.). This court's authority to exercise original jurisdiction is limited. See TEX. CONST. art. V, §§ 5, 6 (intermediate courts of appeals only have original jurisdiction as prescribed by law); TEX. GOV'T CODE ANN. § 22.221 (West Supp. 2025) (limited writ powers granted to courts of appeals).

We do not have writ jurisdiction over a district clerk unless it is necessary to enforce our jurisdiction in another proceeding. See GOV'T § 22.221; *In re Eller*, 672 S.W.3d 194, 194–95 (Tex. App.—Waco 2023, orig. proceeding). Relator has not demonstrated that our jurisdiction is implicated here, or that the Palo Pinto County District Clerk is a party against whom we may issue a writ under the circumstances.

Rather, the district court has the authority to issue writs of mandamus following a legal duty to perform a nondiscretionary act, a demand for performance, and a refusal to perform. See GOV'T § 24.011; *Tex. Tel. Ass'n v. Pub. Util. Comm'n of Tex.*, 653 S.W.3d 227, 263 (Tex. App.—Austin 2022, no pet.).

We 2 therefore have no jurisdiction as an intermediate appellate court to grant the relief that Relator seeks against the district clerk. Accordingly, we dismiss Relator's petition for want of jurisdiction. All pending motions are dismissed as moot. W. BRUCE WILLIAMS JUSTICE December 31, 2025 Do not publish. See TEX. R. APP. P. 47.2(b). Panel consists of: Bailey, C.J., Trotter, J., and Williams, J. 3