

FOURTH COURT OF APPEALS OF TEXAS, SAN ANTONIO

In re Brandon Torres and Ernesto Rivera, Jr.

No. 04-18-00573-CV (Tex. App.—San Antonio Aug. 22, 2018) · No. 04-18-00573-CV · Decided August 22, 2018

SUMMARY

The Fourth Court of Appeals of Texas issued a per curiam order in an original mandamus proceeding brought by Brandon Torres and Ernesto Rivera, Jr. The court granted the relators' motion for an emergency stay, stayed proceedings in the underlying case, and ordered the respondent and real parties in interest to file any response by September 7, 2018.

CASE DETAILS

COURT	Fourth Court of Appeals of Texas, San Antonio
WRITING FOR THE COURT	Per Curiam; Marialyn Barnard; Rebeca C. Martinez; Patricia O. Alvarez
JURISDICTION	Texas
DECIDED	August 22, 2018
DOCKET	04-18-00573-CV
DISPOSITION	other
PROCEDURAL POSTURE	Original mandamus proceeding in which relators sought a writ of mandamus and an emergency stay pending resolution of the mandamus petition.
PRECEDENTIAL VALUE	Published
PARTIES	Brandon Torres, Ernesto Rivera, Jr.

TOPICS

[appellate procedure](#) [civil procedure](#) [remedies](#) [injunctions](#)

PRACTICE AREAS

[civil procedure](#) [appellate procedure](#) [mandamus](#) [remedies](#)

QUESTIONS PRESENTED

1. Whether the court should grant an emergency stay while it further considered the relators' petition for writ of mandamus.

HOLDINGS

1. Because the court believed a serious question concerning the requested mandamus relief required further consideration, it granted the relators' request for a stay and stayed all proceedings in the underlying case pending final resolution of the mandamus petition.

KEY QUOTATIONS

“All proceedings in the underlying case are stayed pending final resolution of the petition for writ of mandamus.” (Order)

FACTUAL BACKGROUND

The mandamus proceeding arose from an underlying case styled Alissa Garcia and Jose Reynaldo Mendez Garcia v. Brandon Torres, et al., pending in the County Court of Jim Wells County, Texas. The appellate court did not resolve the merits of the underlying dispute or the mandamus petition in this order.

PROCEDURAL HISTORY

On August 15, 2018, relators filed a petition for writ of mandamus and a motion for emergency stay in the Fourth Court of Appeals. The court determined that a serious question concerning the requested mandamus relief required further consideration, ordered the respondent and real parties in interest to respond, and granted the requested stay pending final resolution of the mandamus petition.

DISPOSITION

other

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas August 22, 2018 No. 04-18-00573-CV IN RE Brandon TORRES and Ernesto Rivera, Jr. Original Mandamus Proceeding 1 ORDER Sitting: Marialyn Barnard, Justice Rebeca C. Martinez, Justice Patricia O. Alvarez, Justice On August 15, 2018, relators filed a petition for writ of mandamus and a motion for emergency stay pending mandamus.

This court believes a serious question concerning the mandamus relief sought requires further consideration. See TEX. R. APP. P. 52.8(b). The respondent and the real parties in interest may file a response to the petition for writ of mandamus in this court no later than September 7, 2018. Any such response must conform to Texas Rule of Appellate Procedure 52.4.

Relators' request for a stay is GRANTED. All proceedings in the underlying case are stayed pending final resolution of the petition for writ of mandamus. It is so ORDERED on August 22, 2018. PER CURIAM ATTESTED TO: _____ Keith E. Hottle Clerk of Court 1 This proceeding arises out of Cause No. 17-05-57235-CV, styled Alissa Garcia and Jose Reynaldo Mendez Garcia v. Brandon Torres, et al., pending in the County Court, Jim Wells County, Texas, the Honorable Michael Ventura Garcia presiding.