

COURT OF APPEALS OF TEXAS, FOURTH DISTRICT

In re Juan Edgar Ochoa, Jr.

In re Ochoa · No. 04-10-00914-CV · Decided January 12, 2011

SUMMARY

The Texas Fourth Court of Appeals denied or dismissed Juan Edgar Ochoa’s petition for writ of mandamus for lack of jurisdiction. The court held that it generally lacked authority to issue mandamus against a justice of the peace and that the requested relief was not necessary to enforce the court’s appellate jurisdiction.

CASE DETAILS

COURT	Court of Appeals of Texas, Fourth District
WRITING FOR THE COURT	Per Curiam; Catherine Stone, Chief Justice; Phylis J. Speedlin, Justice; Steven C. Hilbig, Justice
JURISDICTION	Texas
DECIDED	January 12, 2011
DOCKET	04-10-00914-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Original mandamus proceeding in which the relator sought relief against a justice of the peace for allegedly preventing him from appealing a justice court ruling.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Juan Edgar Ochoa, Jr., Relator

TOPICS

- appellate jurisdiction
- appellate procedure
- civil procedure
- subject matter jurisdiction

PRACTICE AREAS

- civil procedure
- appellate procedure
- mandamus

QUESTIONS PRESENTED

- Whether the court of appeals had mandamus jurisdiction to issue a writ against a justice of the peace.
- Whether the requested relief was necessary to enforce the court of appeals' appellate jurisdiction.

HOLDINGS

1. The court of appeals lacks mandamus jurisdiction over a justice of the peace unless issuing the writ is necessary to enforce the court's appellate jurisdiction.
2. The requested relief was not necessary to enforce the court of appeals' appellate jurisdiction.

KEY QUOTATIONS

“Therefore, we have no mandamus jurisdiction over a justice of the peace unless the issuance of the writ is necessary to enforce our jurisdiction.”

“Accordingly, relator’s petition for writ of mandamus is DISMISSED FOR LACK OF JURISDICTION.”

FACTUAL BACKGROUND

Ochoa complained that the Justice of the Peace for Precinct 3 in Jim Hogg County had prevented him from appealing the justice court's ruling. The underlying proceeding was State of Texas v. Juan Edgar Ochoa, Cause No. JP3-10-544, before Justice Heriberto Martinez.

PROCEDURAL HISTORY

Juan Edgar Ochoa filed a petition for writ of mandamus on December 22, 2010, challenging conduct by the Justice of the Peace, Precinct 3, Jim Hogg County. The court of appeals determined that it lacked mandamus jurisdiction because the respondent was a justice of the peace and the requested relief was not necessary to enforce the court's appellate jurisdiction.

DISPOSITION

dismissed

OPINION

PER CURIAM.

MEMORANDUM OPINION No. 04-10-00914-CV IN RE Juan Edgar OCHOA, Jr. Original Mandamus Proceeding[1] PER CURIAM Sitting: Catherine Stone, Chief Justice Phylis J. Speedlin, Justice Steven C. Hilbig, Justice Delivered and Filed: January 12, 2011 PETITION FOR WRIT OF MANDAMUS DENIED On December 22, 2010, relator Juan Edgar Ochoa filed a petition for writ of mandamus, complaining in part that the Justice of the Peace Precinct 3, Jim Hogg County, has prevented him from appealing the justice court’s ruling.

However, by statute this court only has the authority to issue a writ against a “judge of a district or county court in the court of appeals district” and other writs as necessary to enforce our appellate jurisdiction. See Tex. Gov’t Code Ann. § 22.221(a)-(b) (West 2004).

Therefore, we have no mandamus jurisdiction over a justice of the peace unless the issuance of the writ is necessary to enforce our jurisdiction. We conclude the relief relator seeks is not necessary to enforce our jurisdiction.

Accordingly, relator's petition for writ of mandamus is DISMISSED FOR LACK OF JURISDICTION. PER CURIAM [1] This proceeding arises out of Cause No. JP3-10-544, styled State of Texas v. Juan Edgar Ochoa, in the Justice of the Peace Precinct 3, Jim Hogg County, Texas, the Honorable Heriberto Martinez presiding.