

COURT OF APPEALS FOR THE NINTH DISTRICT OF TEXAS AT BEAUMONT

In re Mandy Jo Cook

No. 09-26-00217-CV · No. 09-26-00217-CV · Decided June 18, 2026

SUMMARY

The Ninth Court of Appeals of Texas denied Mandy Jo Cook’s petition for a writ of mandamus and motion for temporary relief. The court held that her challenge to the trial court’s judgment nunc pro tunc correcting a divorce decree could be addressed in her pending appeal, and that the benefits of mandamus review were outweighed by its detriments.

CASE DETAILS

COURT	Court of Appeals for the Ninth District of Texas at Beaumont
WRITING FOR THE COURT	Golemon, C.J.; Johnson, J.; Chambers, J.
JURISDICTION	Court of Appeals for the Ninth District of Texas at Beaumont
DECIDED	June 18, 2026
DOCKET	09-26-00217-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original mandamus proceeding challenging a judgment nunc pro tunc entered after expiration of the trial court's plenary power. The relator had separately perfected an appeal from the judgment nunc pro tunc.
STANDARD OF REVIEW	Mandamus relief is unavailable when the challenged dispute can be adequately addressed through an ordinary appeal; the adequacy of the appellate remedy is determined by balancing the benefits of mandamus review against its detriments.
PRECEDENTIAL VALUE	Published memorandum opinion; precedential status is not otherwise specified in the opinion text.
PARTIES	Mandy Jo Cook

TOPICS

- writ of certiorari
- appellate procedure
- family law procedure
- divorce
- remedies

PRACTICE AREAS

- family law
- appellate procedure
- civil procedure
- remedies

QUESTIONS PRESENTED

1. Whether mandamus relief was appropriate to challenge a judgment nunc pro tunc allegedly entered after expiration of the trial court's plenary power.
2. Whether Cook had an adequate remedy by appeal when she had already perfected an appeal from the judgment nunc pro tunc.
3. Whether temporary relief was warranted to prevent enforcement of the substituted decree or distribution of disputed sale proceeds.

HOLDINGS

1. Mandamus relief was not appropriate because Cook's challenge to the judgment nunc pro tunc could be addressed in the appeal she had already perfected.
2. The motion for temporary relief was denied.

KEY QUOTATIONS

“The adequacy of an appellate remedy must be determined by balancing the benefits of mandamus review against the detriments.” (at 3)

“Under the circumstances presented in the mandamus record, the benefits of mandamus review are outweighed by the detriments.” (at 4)

FACTUAL BACKGROUND

The trial court entered a divorce decree and related conservatorship and child-support order on December 4, 2025. On April 16, 2026, after a hearing, it granted a motion for judgment nunc pro tunc and entered a substituted decree that materially changed property allocations, debts, sanctions, possession of animals, visitation provisions, and injunctions. Cook argued that these were judicial rather than clerical corrections made after plenary power expired and that the substituted decree could affect a pending residence closing and enforcement proceedings.

PROCEDURAL HISTORY

The 411th District Court of San Jacinto County signed a Final Decree of Divorce and Order for Conservatorship and Child Support on December 4, 2025. After the trial court granted a motion for judgment nunc pro tunc and entered a substituted decree on April 16, 2026, Mandy Jo Cook perfected an appeal from that judgment and sought mandamus relief, asserting that the substituted decree made judicial rather than clerical corrections and was being enforced while the appeal was pending. The court of appeals denied the mandamus petition and the motion for temporary relief because the dispute could be addressed in the appeal and the benefits of mandamus review were outweighed by its detriments.

DISPOSITION

writ_denied

CASES CITED

- Castilleja v. Camero, 414 S.W.2d 431, 433 (Tex. 1967)
- In re Team Rocket, L.P., 256 S.W.3d 257, 262 (Tex. 2008)
- In re Prudential Ins. Co. of Am., 148 S.W.3d 124, 136 (Tex. 2004)

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