

FOURTH COURT OF APPEALS OF TEXAS, SAN ANTONIO

In re Antonio E. Mercado and Nancy L. Mercado

No. 04-25-00815-CV · No. 04-25-00815-CV · Decided December 31, 2025

SUMMARY

The Fourth Court of Appeals of Texas denied Antonio E. Mercado and Nancy L. Mercado's petition for writ of mandamus. The court also denied their emergency motion for stay as moot, concluding that the relators had not shown entitlement to mandamus relief.

CASE DETAILS

COURT	Fourth Court of Appeals of Texas, San Antonio
WRITING FOR THE COURT	Per Curiam; Rebeca C. Martinez, Chief Justice; Lori Massey Brissette, Justice; Velia J. Meza, Justice
JURISDICTION	Fourth Court of Appeals of Texas, San Antonio
DECIDED	December 31, 2025
DOCKET	04-25-00815-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original proceeding seeking a writ of mandamus and an emergency motion for stay.
STANDARD OF REVIEW	Mandamus relief requires the relator to show that the trial court clearly abused its discretion or violated a duty imposed by law and that there is no adequate remedy by appeal.
PRECEDENTIAL VALUE	Published memorandum opinion; precedential status is stated as published in the supplied metadata.
PARTIES	Antonio E. Mercado, Nancy L. Mercado v. The State of Texas

TOPICS

- appellate procedure
- standard of review
- remedies
- civil procedure

PRACTICE AREAS

- civil procedure
- appellate procedure
- remedies

QUESTIONS PRESENTED

1. Whether relators established entitlement to a writ of mandamus by showing a clear abuse of discretion or violation of a legal duty and the absence of an adequate remedy by appeal.
2. Whether the emergency motion for stay should be granted.

HOLDINGS

1. Relators were not entitled to a writ of mandamus because they failed to show that the requirements for mandamus relief were satisfied.
2. The emergency motion for stay was denied as moot.

KEY QUOTATIONS

“Mandamus is an extraordinary remedy, available only when the relator can show (1) the trial court clearly abused its discretion or violated a duty imposed by law; and (2) there is no adequate remedy by way of appeal.” (at 1)

FACTUAL BACKGROUND

Antonio E. Mercado and Nancy L. Mercado sought mandamus relief arising from a case pending in the 229th Judicial District Court of Duval County. They also sought an emergency stay while the mandamus proceeding was pending. After reviewing the petition and record, the court concluded that relators had not shown entitlement to the requested relief.

PROCEDURAL HISTORY

Relators filed a petition for writ of mandamus on December 16, 2025, and an emergency motion for stay on December 17, 2025. The proceeding arose from Cause No. DC-25-34 in the 229th Judicial District Court of Duval County, Texas. The court denied the mandamus petition and denied the emergency motion for stay as moot.

DISPOSITION

writ_denied

CASES CITED

- Walker v. Packer, 827 S.W.2d 833, 839-40 (Tex. 1992) (orig. proceeding)

OPINION

In Re Antonio E. Mercado and Nancy L. Mercado v. the State of Texas

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas

MEMORANDUM OPINION

No. 04-25-00815-CV IN RE Antonio E. MERCADO and Nancy L. Mercado Original Proceeding

PER CURIAM

Sitting: Rebeca C. Martinez, Chief Justice Lori Massey Brissette, Justice Velia J. Meza, Justice
Delivered and Filed: December 31, 2025

PETITION FOR WRIT OF MANDAMUS DENIED; EMERGENCY MOTION FOR STAY
DENIED AS MOOT

Relators filed their petition for writ of mandamus on December 16, 2025, and an emergency motion for stay on December 17, 2025. Mandamus is an extraordinary remedy, available only when the relator can show (1) the trial court clearly abused its discretion or violated a duty imposed by law; and (2) there is no adequate remedy by way of appeal. Walker v. Packer, 827 S.W.2d 833, 839-40 (Tex. 1992) (orig. proceeding). After considering the petition and the record, this court concludes relator did not show it is entitled to the relief sought. Accordingly, the 1 This proceeding arises out of Cause No. DC-25-34, styled Antonio E. Mercado and Nancy L. Mercado v. Epic Crude Pipeline, LP, et al, pending in the 229th Judicial District Court, Duval County, Texas, the Honorable Baldemar Garza presiding. 04-25-00815-CV petition for writ of mandamus is DENIED. See TEX. R. APP. P. 52.8(a). The emergency motion for stay is DENIED AS MOOT.

PER CURIAM

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