

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

In re Kai Nonamé

No. 03-25-00937-CV · No. 03-25-00937-CV · Decided December 5, 2025

SUMMARY

The Texas Court of Appeals, Third District, dismissed Kai Nonamé’s emergency motion for temporary relief because the anticipated original habeas corpus and mandamus proceeding had not yet been filed. The court held that Texas Rule of Appellate Procedure 52.10 permits temporary relief only after commencement of an original proceeding and dismissed the motion without prejudice to refiling.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Rosa Lopez Theofanis; Justices Triana; Kelly; Theofanis
JURISDICTION	Texas Court of Appeals, Third District, at Austin
DECIDED	December 5, 2025
DOCKET	03-25-00937-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Relator filed an emergency motion for temporary relief in anticipation of filing an original habeas corpus and mandamus proceeding. The motion sought to stay enforcement and contempt proceedings and related orders in an underlying suit affecting the parent-child relationship.
PRECEDENTIAL VALUE	published
PARTIES	Kai Nonamé v. The State of Texas

TOPICS

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

PRACTICE AREAS

- appellate procedure
- civil procedure
- family law
- remedies

QUESTIONS PRESENTED

1. Whether the court may grant emergency temporary relief under Texas Rule of Appellate Procedure 52.10 before an original habeas corpus or mandamus petition has been filed.

HOLDINGS

1. An appellate court lacks jurisdiction to grant emergency temporary relief under Rule 52.10 unless the petition initiating the original proceeding has first been filed.

KEY QUOTATIONS

“Unless or until a petition is filed, there is no dispute before the Court and we therefore lack the power to act under the rule.” (at 2)

FACTUAL BACKGROUND

Kai Nonamé sought emergency relief to stay enforcement and contempt proceedings set for December 16, 2025, along with related orders in an underlying suit affecting the parent-child relationship. She represented that she was preparing an original petition for habeas corpus and mandamus but had not yet filed it, and asserted that immediate relief was necessary to prevent incarceration, protect due-process rights, preserve appellate jurisdiction, and protect the minor child from emotional and psychological harm.

PROCEDURAL HISTORY

The emergency motion was filed before the anticipated original habeas corpus and mandamus petition. The court held that it lacked jurisdiction to grant temporary relief under Texas Rule of Appellate Procedure 52.10 because no original proceeding had yet been commenced, and dismissed the motion without prejudice to refiling after a petition was filed.

DISPOSITION

dismissed

CASES CITED

- In re Terminix Intern., Co., 131 S.W.3d 651, 653 (Tex. App.—Corpus Christi—Edinburg 2004, no pet.)
- In re Kelleher, 999 S.W.2d 51, 52 (Tex. App.—Amarillo 1999, no pet.)
- In re Reed, 901 S.W.2d 604, 609 (Tex. App.—San Antonio 1995, orig. proceeding)