

COURT OF APPEALS FOR THE THIRTEENTH DISTRICT OF TEXAS

In re Adrian and Mary Zuniga

No. 13-26-00117-CV · No. 13-26-00117-CV · Decided February 6, 2026

SUMMARY

The Thirteenth Court of Appeals of Texas denied Adrian and Mary Zuniga’s petition for writ of mandamus without prejudice. The court concluded that relators had not met their burden to obtain mandamus relief and noted that the underlying case had been set for trial on April 20, 2026; it also denied their emergency motion for a temporary stay.

CASE DETAILS

COURT	Court of Appeals for the Thirteenth District of Texas
WRITING FOR THE COURT	Clarissa Silva; Justice Cron; Justice Fonseca
JURISDICTION	Court of Appeals for the Thirteenth District of Texas
DECIDED	February 6, 2026
DOCKET	13-26-00117-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Relators sought mandamus relief in an original proceeding, asserting that the trial court improperly refused to assign their civil case for trial and removed it from the trial docket.
STANDARD OF REVIEW	Mandamus requires the relator to establish that the trial court clearly abused its discretion and that the relator lacks an adequate remedy by appeal. The relator bears the burden of proving both requirements.
PRECEDENTIAL VALUE	published
PARTIES	Adrian Zuniga, Mary Zuniga

TOPICS

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

PRACTICE AREAS

- civil procedure
- appellate procedure
- remedies

QUESTIONS PRESENTED

1. Whether relators were entitled to mandamus relief based on the trial court's alleged refusal to set the underlying civil case for trial.
2. Whether relators were entitled to an emergency temporary stay while the mandamus petition was pending.

HOLDINGS

1. Relators did not meet their burden to establish entitlement to mandamus relief because the underlying case was set for trial.
2. The emergency motion for temporary stay was denied.

KEY QUOTATIONS

“Mandamus relief is an extraordinary remedy available only on a showing that (1) the trial court clearly abused its discretion and (2) the party seeking relief lacks an adequate remedy on appeal.”

“The relator bears the burden of proving these two requirements.”

FACTUAL BACKGROUND

Relators alleged that the trial court repeatedly refused to assign their civil case for trial despite announcements of readiness by all parties and removed the case from the trial docket without providing a mechanism for trial. While the mandamus proceeding was pending, the case was set for trial on April 20, 2026.

PROCEDURAL HISTORY

Adrian and Mary Zuniga petitioned the Thirteenth Court of Appeals for a writ of mandamus and requested an emergency temporary stay. During the proceeding, relators notified the court that the underlying case had been set for trial on April 20, 2026. The court withdrew its order requiring a response, denied the emergency motion for temporary stay, and denied the mandamus petition without prejudice.

DISPOSITION

writ_denied

CASES CITED

- In re Ill. Nat'l Ins., 685 S.W.3d 826, 834 (Tex. 2024) (orig. proceeding)
- In re Liberty Cnty. Mut. Ins., 679 S.W.3d 170, 174 (Tex. 2023) (orig. proceeding) (per curiam)
- In re Prudential Ins. Co. of Am., 148 S.W.3d 124, 138 (Tex. 2004) (orig. proceeding)
- Walker v. Packer, 827 S.W.2d 833, 839-40 (Tex. 1992) (orig. proceeding)
- In re H.E.B. Grocery Co., 492 S.W.3d 300, 302 (Tex. 2016) (orig. proceeding) (per curiam)

OPINION

In Re Adrian and Mary Zuniga v. the State of Texas

PER CURIAM.

NUMBER 13-26-00117-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

IN RE ADRIAN AND MARY ZUNIGA

ON PETITION FOR WRIT OF MANDAMUS

MEMORANDUM OPINION

Before Justices Silva, Cron, and Fonseca Memorandum Opinion by Justice Silva¹ By petition for writ of mandamus, relators Adrian and Mary Zuniga assert that the trial court erred “by repeatedly refusing to assign a civil case for trial despite multiple announcements of ready by all parties and by removing the case from its trial docket without providing any mechanism by which the case will be tried.” “Mandamus relief is an extraordinary remedy available only on a showing that 1 See TEX. R. APP. P. 52.8(d) (“When denying relief, the court may hand down an opinion but is not required to do so. When granting relief, the court must hand down an opinion as in any other case.”); *id.* R. 47.4 (distinguishing opinions and memorandum opinions).

(1) the trial court clearly abused its discretion and (2) the party seeking relief lacks an adequate remedy on appeal.” In *re* Ill. Nat’l Ins., 685 S.W.3d 826, 834 (Tex. 2024) (orig. proceeding); see *In re* Liberty Cnty. Mut. Ins., 679 S.W.3d 170, 174 (Tex. 2023) (orig. proceeding) (per curiam); *In re* Prudential Ins. Co. of Am., 148 S.W.3d 124, 138 (Tex. 2004) (orig. proceeding); *Walker v. Packer*, 827 S.W.2d 833, 839–40 (Tex. 1992) (orig. proceeding). “The relator bears the burden of proving these two requirements.” In *re* H.E.B. Grocery Co., 492 S.W.3d 300, 302 (Tex. 2016) (orig. proceeding) (per curiam); *Walker*, 827 S.W.2d at 840. The Court, having examined and fully considered the petition for writ of mandamus, the record provided, and the applicable law, is of the opinion that relators have not met their burden to obtain relief. In this regard, relators have notified the Court that the case is now set for trial on April 20, 2026. Accordingly, we withdraw our order of February 3, 2026, which required real party in interest Francisco Javier Vega to file a response to the petition for writ of mandamus. We deny relators’ emergency motion for temporary stay, which we had previously ordered to be carried with the case. We deny the petition for writ of mandamus without prejudice.

CLARISSA SILVA

Justice Delivered and filed on the 6th day of February, 2026. 2