

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)