

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

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

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