

COURT OF APPEALS FOR THE THIRTEENTH DISTRICT OF TEXAS

In re Eric Marques

No. 13-26-00018-CR · No. 13-26-00018-CR · Decided January 14, 2026

SUMMARY

The Thirteenth Court of Appeals of Texas denied Eric Marques’s pro se petition for writ of mandamus seeking to compel the trial court to rule on a motion for habeas relief and expunction. The court held that Marques did not meet his burden to establish entitlement to mandamus relief, including showing that the trial court had received and failed to rule on the motion within a reasonable time.

CASE DETAILS

COURT	Court of Appeals for the Thirteenth District of Texas
WRITING FOR THE COURT	Justice Clarissa Silva; Justice Silva; Justice Cron; Justice Fonseca
JURISDICTION	Court of Appeals for the Thirteenth District of Texas
DECIDED	January 14, 2026
DOCKET	13-26-00018-CR
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original proceeding on a pro se petition for writ of mandamus seeking to compel the trial court to rule on an unopposed motion for immediate entry of an order granting habeas relief and directing expunction.
STANDARD OF REVIEW	Mandamus relief requires the relator to establish that the act sought to be compelled is ministerial rather than discretionary or judicial and that there is no adequate remedy at law. A relator seeking to compel a ruling must also show that the trial court had a legal duty to rule, was asked to rule, and failed or refused to rule within a reasonable time.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion; marked do not publish under Tex. R. App. P. 47.2(b).
PARTIES	Eric Marques v. State of Texas

TOPICS

- writ of certiorari
- appellate procedure
- criminal procedure
- post-conviction relief
- remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Marques established the requirements for mandamus relief in a criminal case.
2. Whether Marques demonstrated that the trial court had been asked to rule on his motion and had failed or refused to rule within a reasonable time.

HOLDINGS

1. A criminal-case relator seeking mandamus relief must establish both that the act sought to be compelled is ministerial and that there is no adequate remedy at law.
2. To obtain mandamus relief for a trial court's failure to rule, the relator must show that the trial court had a legal duty to rule, was asked to rule, and failed or refused to rule within a reasonable time; the relator must also show that the court received and was aware of the motion.
3. Marques was not entitled to mandamus relief because he did not meet his burden to establish the requirements for that extraordinary remedy.

KEY QUOTATIONS

"If a party properly files a motion with the trial court in a criminal case, the court has a ministerial duty to rule on the motion within a reasonable time after the motion has been submitted to the court for a ruling or after the party has requested a ruling." (at 2)

"Merely filing a document with the district clerk neither imputes the clerk's knowledge of the filing to the trial court nor equates to a request that the trial court rule on the motion." (at 2)

"Even a pro se applicant for a writ of mandamus must show himself entitled to the extraordinary relief he seeks." (at 2)

FACTUAL BACKGROUND

Eric Marques, proceeding pro se, filed an unopposed motion in the trial court on December 1, 2025, seeking an immediate order granting habeas relief and directing expunction. He alleged that the trial court had not ruled on the motion and sought mandamus relief compelling a ruling. The appellate court reviewed the petition and the limited record provided but determined that Marques had not demonstrated entitlement to extraordinary relief.

PROCEDURAL HISTORY

Eric Marques filed a petition for writ of mandamus in the Thirteenth Court of Appeals, asserting that the trial court had failed to rule on his motion filed December 1, 2025. After reviewing the petition and the limited record, the court concluded that Marques had not met his burden to establish entitlement to mandamus relief and denied the petition.

DISPOSITION

CASES CITED

- In re Meza, 611 S.W.3d 383, 388 (Tex. Crim. App. 2020) (orig. proceeding)
- In re Harris, 491 S.W.3d 332, 334 (Tex. Crim. App. 2016) (orig. proceeding) (per curiam)
- In re McCann, 422 S.W.3d 701, 704 (Tex. Crim. App. 2013) (orig. proceeding)
- State ex rel. Young v. Sixth Jud. Dist. Ct. of Apps. at Texarkana, 236 S.W.3d 207, 210 (Tex. Crim. App. 2007) (orig. proceeding)
- In re Pena, 619 S.W.3d 837, 839 (Tex. App.—Houston [14th Dist.] 2021, orig. proceeding)
- Barnes v. State, 832 S.W.2d 424, 426 (Tex. App.—Houston [1st Dist.] 1992, orig. proceeding) (per curiam)
- In re Gomez, 602 S.W.3d 71, 73 (Tex. App.—Houston [14th Dist.] 2020, orig. proceeding)
- In re Pete, 589 S.W.3d 320, 321-22 (Tex. App.—Houston [14th Dist.] 2019, orig. proceeding) (per curiam)
- In re Craig, 426 S.W.3d 106, 106-07 (Tex. App.—Houston [1st Dist.] 2012, orig. proceeding) (per curiam)
- In re Chavez, 62 S.W.3d 225, 228 (Tex. App.—Amarillo 2001, orig. proceeding)
- In re Blakeney, 254 S.W.3d 659, 661 (Tex. App.—Texarkana 2008, orig. proceeding)
- In re Villarreal, 96 S.W.3d 708, 710 (Tex. App.—Amarillo 2002, orig. proceeding)
- In re Black, 640 S.W.3d 894, 897 (Tex. App.—Amarillo 2022, orig. proceeding) (per curiam)

OPINION

PER CURIAM.

NUMBER 13-26-00018-CR COURT OF APPEALS THIRTEENTH DISTRICT OF TEXAS
CORPUS CHRISTI – EDINBURG IN RE ERIC MARQUES ON PETITION FOR WRIT OF
MANDAMUS MEMORANDUM OPINION Before Justices Silva, Cron, and Fonseca
Memorandum Opinion by Justice Silva¹ Relator Eric Marques filed a pro se petition for writ of mandamus seeking to compel the trial court to rule on relator’s “Unopposed Motion for Immediate Entry of Order Granting Habeas Relief and Directing Expunction (No Opposition by State)” filed on December 1, 2025.

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).

In a criminal case, to be entitled to mandamus relief, the relator must establish both that the act sought to be compelled is a ministerial act not involving a discretionary or judicial decision and that there is no adequate remedy at law to redress the alleged harm. See *In re Meza*, 611 S.W.3d 383, 388 (Tex. Crim. App. 2020) (orig. proceeding); *In re Harris*, 491 S.W.3d 332, 334 (Tex.

Crim. App. 2016) (orig. proceeding) (per curiam); In re McCann, 422 S.W.3d 701, 704 (Tex. Crim. App. 2013) (orig. proceeding). If the relator fails to meet both requirements, then the petition for writ of mandamus should be denied. See State ex rel. Young v. Sixth Jud. Dist. Ct. of Apps. at Texarkana, 236 S.W.3d 207, 210 (Tex. Crim. App. 2007) (orig. proceeding).

It is the relator's burden to properly request and show entitlement to mandamus relief. See *id.*; In re Pena, 619 S.W.3d 837, 839 (Tex. App.—Houston [14th Dist.] 2021, orig. proceeding); see also Barnes v. State, 832 S.W.2d 424, 426 (Tex. App.—Houston [1st Dist.] 1992, orig. proceeding) (per curiam) (“Even a pro se applicant for a writ of mandamus must show himself entitled to the extraordinary relief he seeks.”); see generally TEX. R. APP.

P. 52.3, 52.7. “If a party properly files a motion with the trial court in a criminal case, the court has a ministerial duty to rule on the motion within a reasonable time after the motion has been submitted to the court for a ruling or after the party has requested a ruling.” In re Gomez, 602 S.W.3d 71, 73 (Tex. App.—Houston [14th Dist.] 2020, orig. proceeding).

A relator seeking relief for the failure to rule must establish that the trial court: (1) had a legal duty to rule on the motion; (2) was asked to rule on the motion; and (3) failed or refused to rule on the motion within a reasonable time.

In re Pete, 589 S.W.3d 320, 321 (Tex. App.—Houston [14th Dist.] 2019, orig. proceeding) (per curiam); In re Craig, 426 S.W.3d 2 106, 106–07 (Tex. App.—Houston [1st Dist.] 2012, orig. proceeding) (per curiam); In re Chavez, 62 S.W.3d 225, 228 (Tex. App.—Amarillo 2001, orig. proceeding).

The relator must show that the trial court received, was aware of, and was asked to rule on the motion. In re Blakeney, 254 S.W.3d 659, 661 (Tex. App.—Texarkana 2008, orig. proceeding); In re Villarreal, 96 S.W.3d 708, 710 (Tex. App.—Amarillo 2003, orig. proceeding). Merely filing a document with the district clerk neither imputes the clerk's knowledge of the filing to the trial court nor equates to a request that the trial court rule on the motion.

In re Pete, 589 S.W.3d at 322; In re Craig, 426 S.W.3d at 107. Whether a reasonable period has elapsed is dependent on the circumstances of each case. In re Black, 640 S.W.3d 894, 897 (Tex. App.—Amarillo 2022, orig. proceeding) (per curiam).

The Court, having examined and fully considered the petition for writ of mandamus, the limited record provided, and the applicable law, is of the opinion that relator has not met his burden to obtain relief. Accordingly, we deny the petition for writ of mandamus. CLARISSA SILVA Justice Do not publish. TEX. R. APP. P. 47.2 (b). Delivered and filed on the 14th day of January, 2026.

