

COURT OF APPEALS OF THE NINTH DISTRICT OF TEXAS AT BEAUMONT

In re Eandre Juwon Mott

In re Mott · No. 09-26-00040-CV · Decided February 26, 2026

SUMMARY

The Ninth Court of Appeals of Texas denied without prejudice Eandre Juwon Mott’s petition for a writ of mandamus seeking to compel a hearing on his petition to adjudicate parentage. The court concluded that Mott had not shown diligent pursuit of a final hearing, including because he did not establish service of process, that the case remained pending, or that he had recently requested a setting.

CASE DETAILS

COURT	Court of Appeals of the Ninth District of Texas at Beaumont
WRITING FOR THE COURT	Golemon, C.J.; Johnson, J.; Chambers, J.
JURISDICTION	Ninth Court of Appeals of Texas at Beaumont
DECIDED	February 26, 2026
DOCKET	09-26-00040-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original proceeding seeking a writ of mandamus to compel the 279th District Court of Jefferson County to conduct a hearing on a petition to adjudicate parentage and permit the relator to participate remotely.
STANDARD OF REVIEW	Mandamus requires a clear abuse of discretion by the trial court and the absence of an adequate appellate remedy.
PRECEDENTIAL VALUE	published
PARTIES	Eandre Juwon Mott

TOPICS

- paternity
- appellate procedure
- service of process
- family law procedure

PRACTICE AREAS

- family law
- civil procedure
- appellate procedure
- remedies

QUESTIONS PRESENTED

1. Whether Mott established entitlement to mandamus relief compelling the trial court to set and conduct a hearing on his petition to adjudicate parentage.
2. Whether Mott's delay and failure to demonstrate diligent pursuit of a final hearing defeated his mandamus request.

HOLDINGS

1. A relator seeking mandamus must show that the trial court clearly abused its discretion and that the relator lacks an adequate appellate remedy.
2. Delay in seeking mandamus relief may waive the right to relief unless the relator justifies the delay, and a relator must demonstrate diligent pursuit of the requested final hearing.

KEY QUOTATIONS

“*Mandamus is an extraordinary remedy, not issued as a matter of right, but at the discretion of the court.*”
(at 1)

FACTUAL BACKGROUND

Mott stated that he filed a petition to adjudicate parentage on May 10, 2021, and later submitted multiple letters and motions requesting a hearing. He sought to participate by telephone or other remote means because he was incarcerated. The record did not show that he had served the child's mother, that the parentage case remained pending, or that he had recently requested a trial setting.

PROCEDURAL HISTORY

Mott alleged that he filed a petition to adjudicate parentage in 2021 and later filed letters and motions requesting a hearing. He sought mandamus relief after the trial court allegedly failed to set the matter for hearing. The court of appeals denied the petition without prejudice because Mott failed to establish diligent pursuit of a final hearing and failed to provide supporting materials and proof of service.

DISPOSITION

writ_denied

CASES CITED

- In re Prudential Ins. Co. of Am., 148 S.W.3d 124, 135-40 (Tex. 2004) (orig. proceeding)
- Walker v. Packer, 827 S.W.2d 833, 839-40 (Tex. 1992) (orig. proceeding)
- Rivercenter Assocs. v. Rivera, 858 S.W.2d 366, 367 (Tex. 1993) (orig. proceeding)
- In re Int'l Profit Assocs., Inc., 274 S.W.3d 672, 676 (Tex. 2009) (orig. proceeding)

OPINION

In Re Eandre Juwon Mott v. the State of Texas
PER CURIAM.

IN RE EANDRE JUWON MOTT

Original
Proceeding 279th District Court of Jefferson County, Texas Trial Cause No. F-239,391

MEMORANDUM OPINION

In a petition for a writ of mandamus, Eandre Juwon Mott complains that he filed a Petition to Adjudicate Parentage on May 10, 2021, and he filed “multiple letters and motions requesting a hearing” on his petition, but the case has not been set for a hearing. He asks the appellate court to compel the trial court to conduct a hearing on his petition and to allow Mott to participate by telephone or other remote means due to his current incarceration.¹ Mott failed to support his petition with an appendix or record and further failed to certify that he mailed a copy of the mandamus petition to the Real Party in Interest. We may grant the extraordinary relief of mandamus only when the trial court has clearly abused its discretion and the relator lacks an adequate appellate remedy. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-40 (Tex. 2004) (orig. proceeding); *Walker v. Packer*, 827 S.W.2d 833, 839-40 (Tex. 1992) (orig. proceeding). “Mandamus is an extraordinary remedy, not issued as a matter of right, but at the discretion of the court.” *Rivercenter Assocs. v. Rivera*, 858 S.W.2d 366, 367 (Tex. 1993) (orig. proceeding). Mandamus proceedings are largely controlled by equitable principles, including the principle of laches. *Id.* “Thus, delaying the filing of a petition for mandamus relief may waive the right to mandamus unless the relator can justify the delay.” *In re Int’l Profit Assocs., Inc.*, 274 S.W.3d 672, 676 (Tex. 2009) (orig. proceeding). Mott tells this Court that he filed a petition in 2021, and he says he has requested a hearing on his petition, but he does not tell this Court that he obtained service of process on the child’s mother, nor does he tell us that the case is still pending and that he has made a recent request to the trial court for a trial setting. Under these circumstances, Mott has not shown diligent pursuit of a final hearing on his petition for parentage. Accordingly, we deny the petition for a writ of mandamus without prejudice. See Tex. R. App. P. 52.8(a). Interest. See Tex. R. App. P. 9.5(a); 52.7(c). We use Rule 2, however, to look beyond this and other deficiencies to reach an expeditious result. See *id.* 2. PETITION DENIED.

PER CURIAM

Submitted on February 25, 2026 Opinion Delivered February 26, 2026 Before Golemon, C.J.,
Johnson and Chambers, JJ. 3