

TEXAS COURT OF APPEALS, THIRD DISTRICT AT AUSTIN

In re Alicia Sheppard

No. 03-26-00146-CV (Tex. App.—Austin Feb. 13, 2026) (mem. op.) · No. No. 03-26-00146-CV · Decided February 13, 2026

SUMMARY

The Texas Court of Appeals for the Third District dismissed Alicia Sheppard’s petition for writ of mandamus and emergency motion to stay. The court held that it lacked jurisdiction to issue mandamus relief against a justice court because Sheppard had not shown that the writ was necessary to preserve the appellate court’s jurisdiction.

CASE DETAILS

COURT	Texas Court of Appeals, Third District at Austin
WRITING FOR THE COURT	Maggie Ellis; Justices Triana; Justice Kelly; Justice Ellis
JURISDICTION	Texas Court of Appeals, Third District at Austin
DECIDED	February 13, 2026
DOCKET	No. 03-26-00146-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Original proceeding in which Relator Alicia Sheppard sought mandamus relief and an emergency stay of a justice court order appointing a receiver.
PRECEDENTIAL VALUE	Published
PARTIES	Alicia Sheppard, Relator v. The State of Texas

TOPICS

- appellate jurisdiction
- appellate procedure
- civil procedure
- remedies

PRACTICE AREAS

- appellate procedure
- mandamus
- civil procedure
- remedies

QUESTIONS PRESENTED

1. Whether the court of appeals had jurisdiction to issue a writ of mandamus against a justice court or justice of the peace when the relator did not show that mandamus was necessary to preserve the

appellate court's jurisdiction.

2. Whether the petition for writ of mandamus and emergency motion to stay should be dismissed for want of jurisdiction.

HOLDINGS

1. The court of appeals lacks jurisdiction to issue a writ of mandamus against a justice of the peace or justice court unless mandamus is necessary to preserve the court of appeals' jurisdiction.

KEY QUOTATIONS

“We lack jurisdiction to issue a writ of mandamus against a justice of the peace or justice court unless it is necessary to preserve our jurisdiction.” (2)

FACTUAL BACKGROUND

A justice court entered an order appointing a receiver. Alicia Sheppard sought mandamus relief from that order and moved for an emergency stay, but did not contend that issuance of mandamus was necessary to preserve the court of appeals' jurisdiction.

PROCEDURAL HISTORY

Sheppard filed a petition for writ of mandamus and an emergency motion to stay challenging a justice court's order appointing a receiver. The court of appeals dismissed both requests for want of jurisdiction because Sheppard did not argue or show that mandamus relief was necessary to preserve the appellate court's jurisdiction.

DISPOSITION

dismissed

CASES CITED

- Twenty First Century Holdings, Inc. v. Precision Geothermal Drilling, L.L.C., No. 03-13-00081-CV, 2015 WL 1882267, at *6 (Tex. App.—Austin Apr. 23, 2015, no pet.) (mem. op.)
- Mullins v. Holt, No. 10-13-00114-CV, 2013 WL 2257151, at *2 (Tex. App.—Waco May 9, 2013, no pet.) (mem. op.)
- Rodriguez v. Womack, No. 14-10-01213-CV, 2012 WL 19659, at *2 (Tex. App.—Houston [14th Dist.] Jan. 5, 2012, pet. denied) (mem. op.)