

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

In re Byron Collins

No. 01-25-01057-CV · No. 01-25-01057-CV · Decided December 18, 2025

SUMMARY

The First Court of Appeals of Texas denied Byron Collins’s petition for a writ of mandamus seeking to compel the trial court to rule on his emergency motion concerning enforcement of a November 26, 2025 order. The court also dismissed as moot his emergency motion to stay a scheduled deposition.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Justice Guerra; Justice Caughey; Justice Dokupil
JURISDICTION	Court of Appeals for the First District of Texas
DECIDED	December 18, 2025
DOCKET	01-25-01057-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original proceeding on a petition for writ of mandamus challenging the trial court's failure to rule on an emergency motion concerning enforcement of a prior discovery order.
STANDARD OF REVIEW	Mandamus relief requires the relator to establish entitlement to relief; the court concluded that Collins failed to do so.
PRECEDENTIAL VALUE	Published memorandum opinion

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the court of appeals should issue a writ of mandamus directing the trial court to rule immediately on Collins's emergency motion to enforce or clarify the November 26, 2025 order.

2. Whether Collins's emergency motion for a stay of the deposition should be granted while the mandamus petition was under review.

HOLDINGS

1. The relator failed to establish that he was entitled to mandamus relief, so the court denied the petition for writ of mandamus.
2. The court dismissed the emergency motion for stay, along with any other pending motions, as moot.

FACTUAL BACKGROUND

The underlying case involved a November 26, 2025 trial-court order concerning a deposition scheduled for December 19, 2025. Collins filed an emergency motion seeking clarification or enforcement of that order and alleged that the trial court had not ruled on the motion before he sought mandamus relief.

PROCEDURAL HISTORY

Byron Collins filed an emergency motion in the 165th District Court of Harris County seeking clarification and enforcement of the trial court's November 26, 2025 order regarding a witness deposition scheduled for December 19, 2025. After the trial court had not ruled by the time Collins filed his mandamus petition, he asked the court of appeals to compel an immediate ruling and separately sought a stay of the deposition. The court of appeals denied mandamus relief and dismissed the pending motions as moot.

DISPOSITION

writ_denied

OPINION

PER CURIAM.

Opinion issued December 18, 2025 In The Court of Appeals For The First District of Texas NO. 01-25-01057-CV IN RE BYRON COLLINS, Relator Original Proceeding on Petition for Writ of Mandamus MEMORANDUM OPINION Relator, Byron Collins, filed a petition for writ of mandamus asserting that the trial court has failed to perform its ministerial duty to rule on relator's "Emergency Motion to Enforce [Trial] Court's November 26, 2025 Order."1 Relator's motion, filed in the trial court on December 11, 2025, "sought 1 The underlying case is Byron Collins v. Oluwaseun Abe and Patrick Burley, Cause No. 2022-04591, in the 165th District Court of Harris County, Texas, the Honorable Bruce Bain presiding. clarification" that the trial court's November 26, 2025 order "required [real parties in interest, Oluwaseun Abe and Patrick Burley] to connect to [a] provided Zoom link" for the deposition of a witness on December 19, 2025.

Relator's petition for writ of mandamus alleged that he "request[ed] a ruling by December 16[, 2025]," but that, at the time of filing his petition for writ of mandamus, "the trial court ha[d] not

ruled on [r]elator's Emergency Motion to Enforce [Trial] Court's November 26, 2025 Order." Relator therefore requested that this Court issue a writ of mandamus directing the trial court to "immediately rule" on relator's motion.

In connection with his petition for writ of mandamus, relator also filed an "Emergency Motion for Stay of Deposition." In his motion, relator requested that this Court stay the December 19, 2025 deposition pending this Court's review of relator's petition for writ of mandamus.

We conclude that relator has failed to establish he is entitled to mandamus relief, and therefore, the Court denies relator's petition for writ of mandamus. We dismiss any pending motions, including relator's Emergency Motion for Stay of Deposition, as moot. PER CURIAM Panel consists of Justices Guerra, Caughey, and Dokupil. 2