

COURT OF APPEALS OF TEXAS, EIGHTH DISTRICT, EL PASO

In re Eleazer M. Masimula

No. 08-25-00325-CV · No. 08-25-00325-CV · Decided December 18, 2025

SUMMARY

The Eighth District Court of Appeals of Texas denied Eleazer M. Masimula’s petition for writ of mandamus. The court held that its prior judgment affirmed the divorce decree’s award of \$2,310 in unpaid interim spousal maintenance, leaving the trial court with a ministerial duty to enforce that award.

CASE DETAILS

COURT	Court of Appeals of Texas, Eighth District, El Paso
WRITING FOR THE COURT	Gina M. Palafox; Salas Mendoza, Chief Justice; Gina M. Palafox, Justice; Soto, Justice
JURISDICTION	Court of Appeals of Texas, Eighth District, El Paso
DECIDED	December 18, 2025
DOCKET	08-25-00325-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original proceeding seeking a writ of mandamus directing the trial court to vacate enforcement actions concerning an unpaid interim spousal-maintenance award and to eliminate that award.
STANDARD OF REVIEW	Mandamus requires the relator to establish that the trial court failed to perform a ministerial duty or clearly abused its discretion and that the relator lacks an adequate remedy by appeal. A trial court abuses its discretion when its ruling is arbitrary and unreasonable, disregards guiding legal principles or supporting evidence, or reflects a failure to correctly analyze or apply the law.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Eleazer M. Masimula, Relator v. The State of Texas

TOPICS

- appellate procedure
- family law procedure
- spousal support
- remedies
- standard of review

PRACTICE AREAS

Appellate procedure

Family law

Mandamus

Spousal maintenance

QUESTIONS PRESENTED

1. Whether Masimula was entitled to mandamus relief directing the trial court to vacate enforcement actions concerning the \$2,310 unpaid interim spousal-maintenance award.
2. Whether the trial court had a ministerial duty to eliminate the unpaid interim spousal-maintenance award after the court of appeals affirmed the decree as modified.
3. Whether Masimula's failure to provide the required record and appendix independently rendered his mandamus petition noncompliant.

HOLDINGS

1. The petition did not comply with the rules because Masimula failed to include a record and an appendix containing sworn or certified copies of documents showing the complained-of matter and material documents supporting his claim.
2. Mandamus relief requires proof that the trial court failed to perform a ministerial duty or clearly abused its discretion and that the relator lacks an adequate remedy by appeal.
3. The trial court had a ministerial duty to enforce the appellate judgment, including the affirmed \$2,310 unpaid interim spousal-maintenance award, and lacked authority to eliminate that award.

KEY QUOTATIONS

“When an appellate court affirms a trial court’s judgment or renders the judgment that the trial court should have rendered, that judgment becomes the judgment of both courts.” (2)

“A trial court lacks jurisdiction to review or interpret an appellate court’s judgment; the trial court “must observe and carry out the mandate of the appellate court, and its orders carrying out the mandate are ministerial.”” (2)

FACTUAL BACKGROUND

The trial court's April 11, 2024 default final divorce decree dissolved the parties' marriage and divided marital property. The decree awarded the real party in interest court-ordered maintenance of \$1,375 per month for eighteen months and required Masimula to pay a lump sum of \$2,310 in unpaid interim spousal maintenance. On direct appeal, the court removed the post-divorce maintenance award but affirmed the unpaid interim-maintenance award.

PROCEDURAL HISTORY

The trial court entered a default final divorce decree awarding the real party in interest post-divorce maintenance and \$2,310 in unpaid interim spousal maintenance. On Masimula's appeal, the court of appeals reversed and rendered the post-divorce maintenance award, modified the decree to remove that award, and affirmed the

decree, including the \$2,310 unpaid interim-maintenance award, as modified. Masimula then sought mandamus relief, but the court denied the petition and dismissed pending motions as moot.

DISPOSITION

writ_denied

CASES CITED

- In re UpCurve Energy Partners, 632 S.W.3d 254, 256 (Tex. App.—El Paso 2021, orig. proceeding)
- In re Phillips, 496 S.W.3d 769, 774 (Tex. 2016)
- In re Nationwide Ins. Co. of Am., 494 S.W.3d 708, 712 (Tex. 2016) (orig. proceeding)
- Denton Cnty. v. Tarrant Cnty., 139 S.W.3d 22, 23 (Tex. App.—Fort Worth 2004, pet. denied)
- In re A.H.S., 676 S.W.3d 355, 359 (Tex. App.—Tyler 2023, pet. denied)
- Cessna Aircraft Co. v. Aircraft Network, LLC, 345 S.W.3d 139, 144 (Tex. App.—Dallas 2011, no pet.)
- Masimula v. Masimula, No. 08-24-00084-CV, 2025 WL 1387788, at *2, *6-*7 (Tex. App.—El Paso May 13, 2025, no pet.) (mem. op.)

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