

COURT OF APPEALS OF TEXAS, EIGHTH DISTRICT, EL PASO

In re Richard Terence Jenkins

No. 08-26-00238-CV · No. No. 08-26-00238-CV · Decided June 4, 2026

SUMMARY

The Eighth District Court of Appeals of Texas dismissed Richard Terence Jenkins’s petition for writ of mandamus for lack of jurisdiction because it sought relief against a justice court. The court also dismissed Jenkins’s emergency motion as moot.

CASE DETAILS

|                       |                                                                                                                                                                                |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals of Texas, Eighth District, El Paso                                                                                                                            |
| WRITING FOR THE COURT | Gina M. Palafox; Salas Mendoza, C.J.; Soto, J.                                                                                                                                 |
| JURISDICTION          | Court of Appeals of Texas, Eighth District, El Paso                                                                                                                            |
| DECIDED               | June 4, 2026                                                                                                                                                                   |
| DOCKET                | No. 08-26-00238-CV                                                                                                                                                             |
| DISPOSITION           | dismissed                                                                                                                                                                      |
| PROCEDURAL POSTURE    | Original mandamus proceeding in which the relator sought an immediate order staying enforcement activity in a justice court and any further action under a writ of possession. |
| PRECEDENTIAL VALUE    | Published memorandum opinion                                                                                                                                                   |
| PARTIES               | Richard Terence Jenkins, Relator v. State of Texas                                                                                                                             |

TOPICS

- appellate jurisdiction
- writ of certiorari
- mootness
- appellate procedure
- civil procedure

PRACTICE AREAS

- appellate procedure
- mandamus
- civil procedure
- remedies

QUESTIONS PRESENTED

- Whether the Court of Appeals had jurisdiction to issue mandamus relief against a justice court or justice of the peace.
- Whether Jenkins's emergency motion should be dismissed as moot after dismissal of the mandamus petition.

## HOLDINGS

1. The Court of Appeals lacks jurisdiction to issue a writ of mandamus against a justice court or justice of the peace unless the writ is necessary to enforce the appellate court's jurisdiction; Jenkins made no such showing.
2. The emergency motion for relief was dismissed as moot because the mandamus petition was dismissed.

## KEY QUOTATIONS

*“An appellate court may issue a writ of mandamus “against a judge of a district, statutory county, statutory probate county, or county court in the court of appeals district.”” (at 1)*

*“An appellate court may also issue a writ of mandamus if it is “necessary to enforce the jurisdiction of the court.”” (at 1)*

## FACTUAL BACKGROUND

Jenkins sought mandamus relief concerning enforcement activity in Justice Court, Precinct Four, including action under a writ of possession. Although his petition identified a justice of the peace as the target of relief, he did not provide the sworn mandamus record and necessary documents required by the Texas Rules of Appellate Procedure.

## PROCEDURAL HISTORY

Jenkins filed a petition for writ of mandamus and an emergency motion in the Court of Appeals. The court concluded that the petition sought mandamus relief against a justice court over which the court of appeals lacked jurisdiction and dismissed the petition; it dismissed the emergency motion as moot.

## DISPOSITION

dismissed

## CASES CITED

- In re Anguiano, No. 13-23-00490-CV, 2023 WL 7932474, at \*1 (Tex. App.—Corpus Christi–Edinburg Nov. 16, 2023, orig. proceeding) (mem. op.)
- In re Castro, No. 02-23-00489-CV, 2024 WL 23627, at \*1 (Tex. App.—Fort Worth Jan. 2, 2024, orig. proceeding) (mem. op.)

## OPINION

### PER CURIAM.

COURT OF APPEALS EIGHTH DISTRICT OF TEXAS EL PASO, TEXAS No. 08-26-00238-CV In re Richard Terence Jenkins, Relator AN ORIGINAL PROCEEDING IN MANDAMUS M E M O R A N D U M O P I N I O N R elator, Richard Terence Jenkins, has filed a petition for writ of mandamus and emergency motion asking this Court for an “immediate order staying all

enforcement activity in Justice Court” Precinct Four, including “any further action under any writ of possession.” 1 We 1 Although Jenkins’s mandamus petition asserts that he seeks relief against the Honorable Rebecca Bustamante, Justice of the Peace, Precinct Four, El Paso County, Texas, trial court cause number 426-00117-FED, he did not otherwise provide a sworn mandamus record containing copies of necessary documents as required by the Texas Rules of Appellate Procedure.

See Tex. R. App. P. 52.3(k)(1)(B), 52.7(a)(1). We therefore resolve the petition on Jenkins’s bare assertion that he seeks relief against a judge of a justice court, as no other information is provided. dismiss the petition for lack of jurisdiction because it seeks mandamus relief against the justice court, and we dismiss the emergency motion as moot.

As an initial matter, an appellate court may issue a writ of mandamus “against a judge of a district, statutory county, statutory probate county, or county court in the court of appeals district.” Tex. Gov’t Code § 22.221(b). An appellate court may also issue a writ of mandamus if it is “necessary to enforce the jurisdiction of the court.” Id. § 22.221(a); *In re Anguiano*, No. 13-23- 00490-CV, 2023 WL 7932474, at \*1 (Tex.

App.—Corpus Christi—Edinburg Nov. 16, 2023, orig. proceeding) (mem. op.). Here, Jenkins’s petition requests that this Court issue a writ of mandamus against a justice court—a court over which we lack jurisdiction—and makes no showing that the issuance of a writ of mandamus against the justice court is necessary to enforce our jurisdiction. Tex. Gov’t Code § 22.221(a)–(c); see *In re Castro*, No. 02-23-00489-CV, 2024 WL 23627, at \*1 (Tex.

App.—Fort Worth Jan. 2, 2024, orig. proceeding) (mem. op.) (dismissing petition for writ of mandamus for want of jurisdiction over a justice of the peace); *Anguiano*, 2023 WL 7932474, at \*1 (dismissing petition seeking issuance of writ of mandamus against a justice of the peace for want of jurisdiction when the relator failed to show such a writ was necessary to enforce the court’s jurisdiction).

Accordingly, we dismiss the petition for want of jurisdiction. We dismiss the motion for emergency relief as moot. GINA M. PALAFOX, Justice June 4, 2026 Before Salas Mendoza, C.J., Palafox and Soto, JJ. 2