

FOURTH COURT OF APPEALS OF TEXAS, SAN ANTONIO

In re Linda Christina Benavides Alexander and Shirley Hale Mathis, Guardians of the Person and Estate of Carlos Y. Benavides Jr.

No. 04-14-00760-CV · No. 04-14-00760-CV · Decided December 10, 2014

SUMMARY

The Fourth Court of Appeals of Texas denied a petition for writs of mandamus, prohibition, and injunction filed by guardians Linda Christina Benavides Alexander and Shirley Hale Mathis. The relators challenged the Webb County district court's denial of their plea in abatement in underlying guardianship litigation.

CASE DETAILS

COURT	Fourth Court of Appeals of Texas, San Antonio
WRITING FOR THE COURT	Per Curiam; Catherine Stone, Chief Justice; Karen Angelini, Justice; Marialyn Barnard, Justice
JURISDICTION	Texas
DECIDED	December 10, 2014
DOCKET	04-14-00760-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original mandamus proceeding challenging the district court's denial of relators' plea in abatement and seeking writs of mandamus, prohibition, and injunction.
STANDARD OF REVIEW	The court summarily determined that relators were not entitled to mandamus, prohibition, or injunctive relief; the opinion does not state a more specific standard of review.
PRECEDENTIAL VALUE	nonprecedential memorandum opinion
PARTIES	Linda Christina Benavides Alexander, Shirley Hale Mathis, guardians of the person and estate of Carlos Y. Benavides Jr. v. 49th District Court of Webb County, Texas, Leticia R. Benavides

TOPICS

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PRACTICE AREAS

civil procedure

appellate procedure

guardianships

remedies

QUESTIONS PRESENTED

1. Whether relators were entitled to writs of mandamus, prohibition, or injunction based on the district court's denial of their plea in abatement.

KEY QUOTATIONS

“The court has considered relators’ petition and is of the opinion that relators are not entitled to the relief sought.”

“Accordingly, the petition for writs of mandamus, prohibition and injunction is denied.”

FACTUAL BACKGROUND

The underlying litigation was pending in the 49th Judicial District Court of Webb County and involved Texas Community Bank, N.A., Shirley Hale Mathis as temporary guardian of Carlos Y. Benavides Jr., and Leticia R. Benavides. Linda Christina Benavides Alexander and Shirley Hale Mathis challenged the district court's denial of their plea in abatement. They sought extraordinary relief from the court of appeals.

PROCEDURAL HISTORY

Relators filed their petition on October 30, 2014, complaining of the 49th District Court of Webb County's denial of their plea in abatement in the underlying guardianship-related litigation. The court denied the requested writs of mandamus, prohibition, and injunction.

DISPOSITION

writ_denied

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas MEMORANDUM OPINION No. 04-14-00760-CV IN RE Linda Christina Benavides ALEXANDER and Shirley Hale Mathis, guardians of the person and estate of Carlos Y. Benavides Jr., Relators Original Mandamus Proceeding 1 PER CURIAM Sitting: Catherine Stone, Chief Justice Karen Angelini, Justice Marialyn Barnard, Justice Delivered and Filed: December 10, 2014 PETITION FOR WRITS OF MANDAMUS, PROHIBITION AND INJUNCTION DENIED On October 30, 2014, relators filed this petition seeking writs of mandamus, prohibition and injunction against the 49th District Court of Webb County, Texas and real party in interest, Leticia R. Benavides, and complaining of the district court’s denial of relators’ plea in abatement in the underlying litigation.

The court has considered relators' petition and is of the opinion that relators are not entitled to the relief sought. Accordingly, the petition for writs of mandamus, prohibition and injunction is denied. See TEX. R. APP. P. 52.8(a). PER CURIAM 1 This proceeding arises out of Cause No. 2012CVQ000161-D3, styled Texas Community Bank, N.A. v. Shirley Hale Mathis, Temporary Guardian of Carlos Y. Benavides Jr., and Leticia R. Benavides, pending in the 49th Judicial District Court, Webb County, Texas, the Honorable Joe Lopez presiding.

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