

COURT OF APPEALS OF TEXAS, THIRTEENTH DISTRICT, CORPUS
CHRISTI–EDINBURG

In re Patrick John Dertien

No. 13-25-00610-CV · No. 13-25-00610-CV · Decided December 4, 2025

SUMMARY

The Thirteenth Court of Appeals of Texas denied Patrick John Dertien’s pro se petition for a writ of mandamus challenging temporary orders requiring him to pay attorney’s fees pending appeal. The court held that he did not meet his burden to establish entitlement to mandamus relief and lifted the previously imposed stay.

CASE DETAILS

COURT	Court of Appeals of Texas, Thirteenth District, Corpus Christi–Edinburg
WRITING FOR THE COURT	Chief Justice Jaime Tijerina; Justice Cron; Justice Fonseca
JURISDICTION	Court of Appeals of Texas, Thirteenth District, Corpus Christi–Edinburg
DECIDED	December 4, 2025
DOCKET	13-25-00610-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Relator filed a pro se petition for writ of mandamus challenging a trial court order requiring him to pay attorney’s fees as part of temporary orders pending appeal.
STANDARD OF REVIEW	Mandamus relief is available only when the trial court clearly abused its discretion and the relator lacks an adequate remedy by appeal. The relator bears the burden of proving both requirements.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Patrick John Dertien, relator v. Heather Michelle Dertien, real party in interest

TOPICS

- family law procedure
- appellate procedure
- remedies
- attorney fees
- standard of review

PRACTICE AREAS

Family law

Appellate procedure

Mandamus

QUESTIONS PRESENTED

1. Whether the trial court clearly abused its discretion by ordering relator to pay attorney's fees as part of temporary orders pending appeal.
2. Whether relator lacked an adequate remedy by appeal and therefore was entitled to mandamus relief.

HOLDINGS

1. Mandamus relief was denied because relator failed to meet his burden to establish both a clear abuse of discretion by the trial court and the absence of an adequate remedy by appeal.

KEY QUOTATIONS

"A writ of mandamus is an extraordinary remedy available only when the trial court clearly abused its discretion and the party seeking relief lacks an adequate remedy on appeal." (at 1)

"The Court, having examined and fully considered the petition for writ of mandamus, the response filed by real party in interest Heather Michelle Dertien, and the applicable law, is of the opinion that relator has not met his burden to obtain relief." (at 2)

FACTUAL BACKGROUND

The trial court entered temporary orders pending appeal that required Patrick John Dertien to pay attorney's fees. Dertien challenged that order by petition for writ of mandamus. The court of appeals also considered a supplement to the petition and the response filed by Heather Michelle Dertien.

PROCEDURAL HISTORY

The trial court entered temporary orders requiring Dertien to pay attorney's fees pending appeal. Dertien sought mandamus relief in the court of appeals, which considered his petition, a supplemental petition, and the response filed by Heather Michelle Dertien. The court lifted a previously imposed stay and denied the petition because relator failed to satisfy the requirements for mandamus relief.

DISPOSITION

writ_denied

CASES CITED

- In re Ill. Nat'l Ins., 685 S.W.3d 826, 834 (Tex. 2024) (orig. proceeding)
- In re H.E.B. Grocery Co., 492 S.W.3d 300, 302 (Tex. 2016) (orig. proceeding) (per curiam)
- Walker v. Packer, 827 S.W.2d 833, 840 (Tex. 1992) (orig. proceeding)
- In re Fuentes, 506 S.W.3d 586, 592 (Tex. App.—Houston [1st Dist.] 2016, orig. proceeding [mand. denied])

- In re Merriam, 228 S.W.3d 413, 416 (Tex. App.—Beaumont 2007, orig. proceeding) (per curiam)

OPINION

PER CURIAM.

NUMBER 13-25-00610-CV COURT OF APPEALS THIRTEENTH DISTRICT OF TEXAS
CORPUS CHRISTI – EDINBURG IN RE PATRICK JOHN DERTIEN ON PETITION FOR
WRIT OF MANDAMUS MEMORANDUM OPINION Before Chief Justice Tijerina and Justices
Cron and Fonseca Memorandum Opinion by Chief Justice Tijerina¹ By pro se petition for writ of
mandamus, relator Patrick John Dertien contends that the trial court erred by ordering him to pay
attorney’s fees as part of temporary orders pending appeal.

See TEX. FAM. CODE ANN. §§ 6.709(a), 109.001.2 ¹ See TEX. R. APP. P. 52.8(d) (“When
denying relief, the court may hand down an opinion but is not required to do so. When granting
relief, the court must hand down an opinion as in any other case.”); id. R. 47.4 (distinguishing
opinions and memorandum opinions). ² Both sections were amended, effective September 1,
2025, to include the payment of court costs in addition to attorney’s fees and expenses.

See Act 2025, 89th Leg., ch. 593 (H.B.2524), § 4, eff. Sept. 1, 2025 (now codified as TEX. FAM.
CODE ANN. § 6.709); Act 2025, 89th Leg., ch. 593 (H.B. 2524), § 22, eff., Sept. 1, 2025 (now
codified as TEX. FAM. CODE ANN. § 109.001).

The order at issue in this original proceeding was signed before the effective date of those
amendments; however, the amendments have A writ of mandamus is an extraordinary remedy
available only when the trial court clearly abused its discretion and the party seeking relief lacks
an adequate remedy on appeal.

In re Ill. Nat’l Ins., 685 S.W.3d 826, 834 (Tex. 2024) (orig. proceeding). “The relator bears the
burden of proving these two requirements.” In re H.E.B. Grocery Co., 492 S.W.3d 300, 302 (Tex.
2016) (orig. proceeding) (per curiam); Walker v. Packer, 827 S.W.2d 833, 840 (Tex. 1992) (orig.
proceeding). Challenges to temporary orders, such as the one at issue in this original proceeding,
may be reviewed by mandamus under appropriate circumstances.

See, e.g., In re Fuentes, 506 S.W.3d 586, 592 (Tex. App.— Houston [1st Dist.] 2016, orig.
proceeding [mand. denied]); In re Merriam, 228 S.W.3d 413, 416 (Tex. App.—Beaumont 2007,
orig. proceeding) (per curiam). The Court, having examined and fully considered the petition for
writ of mandamus,³ the response filed by real party in interest Heather Michelle Dertien, and the
applicable law, is of the opinion that relator has not met his burden to obtain relief.

Accordingly, we lift the stay previously imposed in this case. See TEX. R. APP. P. 52.10. We deny
the petition for writ of mandamus. JAIME TIJERINA Chief Justice Delivered and filed on the 4th

day of December, 2025. no effect on our analysis. 3 Relator filed a supplement to his petition for writ of mandamus and a motion for leave to file the supplement.

We grant relator's motion for leave and consider the supplement herein. 2

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