

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

In re Antonio G. Cantu

No. 13-26-00338-CV (Tex. App.—Corpus Christi–Edinburg May 1, 2026) (mem. op.) · No. 13-26-00338-CV ·
Decided May 1, 2026

SUMMARY

The Thirteenth Court of Appeals of Texas denied Antonio G. Cantu’s pro se petition and supplemental petition for writ of mandamus. The court held that Cantu did not meet his burden to establish entitlement to mandamus relief concerning the trial court’s dismissal under Texas Rule of Civil Procedure 91a.

CASE DETAILS

COURT	Court of Appeals for the Thirteenth District of Texas, Corpus Christi–Edinburg
WRITING FOR THE COURT	Ysmael D. Fonseca; Justice Silva; Justice Peña; Justice Fonseca
JURISDICTION	Court of Appeals for the Thirteenth District of Texas, Corpus Christi–Edinburg
DECIDED	May 1, 2026
DOCKET	13-26-00338-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Relator Antonio G. Cantu filed a pro se petition and supplemental petition for writ of mandamus challenging the trial court's order granting a motion to dismiss under Texas Rule of Civil Procedure 91a.
STANDARD OF REVIEW	Mandamus relief requires the relator to show that the trial court clearly abused its discretion and that the relator lacks an adequate remedy on appeal. The relator bears the burden of proving both requirements.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Antonio G. Cantu v. The State of Texas

TOPICS

- writ of certiorari
- motions to dismiss
- appellate procedure
- standard of review
- civil procedure

PRACTICE AREAS

Civil procedure

Appellate procedure

Mandamus

QUESTIONS PRESENTED

1. Whether Antonio G. Cantu established entitlement to mandamus relief by showing that the trial court clearly abused its discretion in granting a Rule 91a motion to dismiss and that he lacked an adequate remedy on appeal.

HOLDINGS

1. The relator was not entitled to mandamus relief because he did not meet his burden to establish the requirements for such relief.

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 2)

“The relator bears the burden of proving these two requirements.” (at 2)

FACTUAL BACKGROUND

Antonio G. Cantu, acting pro se, challenged various aspects of the trial court's decision to grant a motion to dismiss under Texas Rule of Civil Procedure 91a. He filed an original petition for writ of mandamus and a supplemental petition asserting that the trial court abused its discretion. The appellate court concluded that he had not met his burden to obtain mandamus relief.

PROCEDURAL HISTORY

The proceeding arose from trial court cause number 2025CI22843 in the 37th District Court of Bexar County, Texas. The Texas Supreme Court transferred the original proceeding to the Thirteenth Court of Appeals. After considering the petitions and applicable law, the court denied both the petition for writ of mandamus and the supplemental petition.

DISPOSITION

writ_denied

CASES CITED

- In re Ill. Nat'l Ins., 685 S.W.3d 826, 834 (Tex. 2024) (orig. proceeding)
- In re Prudential Ins. Co. of Am., 148 S.W.3d 124, 135–36, 138 (Tex. 2004) (orig. proceeding)
- Walker v. Packer, 827 S.W.2d 833, 839–40 (Tex. 1992) (orig. proceeding)
- In re Dallas HERO, 698 S.W.3d 242, 247 (Tex. 2024) (orig. proceeding)
- In re H.E.B. Grocery Co., 492 S.W.3d 300, 302 (Tex. 2016) (orig. proceeding) (per curiam)

- Barnes v. State, 832 S.W.2d 424, 426 (Tex. App.—Houston [1st Dist.] 1992, orig. proceeding) (per curiam)

OPINION

PER CURIAM.

NUMBER 13-26-00338-CV COURT OF APPEALS THIRTEENTH DISTRICT OF TEXAS
CORPUS CHRISTI – EDINBURG IN RE ANTONIO G. CANTU ON PETITION FOR WRIT OF
MANDAMUS MEMORANDUM OPINION Before Justices Silva, Peña, and Fonseca
Memorandum Opinion by Justice Fonseca¹ Relator Antonio G. Cantu filed a pro se petition for writ of mandamus and a supplemental petition for writ of mandamus through which he asserts that the trial court² 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 This original proceeding arises from trial court cause number 2025CI22843 in the 37th District Court of Bexar County, Texas.

This original proceeding and two others arising from this same trial court cause number were transferred to this Court by order of the Texas Supreme Court. See Misc. Docket No. 26-9027 (Tex. Apr. 23, 2026). We dispose of the other two original proceedings by separate memorandum abused its discretion in various respects by granting a motion to dismiss filed pursuant to Texas Rule of Civil Procedure 91a.

See generally TEX. R. CIV. P. 91a.1–.9 (governing the dismissal of baseless causes of action). 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); In re Prudential Ins. Co. of Am., 148 S.W.3d 124, 138 (Tex. 2004) (orig. proceeding); Walker v. Packer, 827 S.W.2d 833, 839–40 (Tex. 1992) (orig. proceeding).

The relator must ordinarily show that: (1) the trial court committed a clear abuse of discretion; and (2) the relator lacks an adequate remedy on appeal. In re Dallas HERO, 698 S.W.3d 242, 247 (Tex. 2024) (orig. proceeding); In re Prudential Ins. Co. of Am., 148 S.W.3d at 135–36; Walker v. Packer, 827 S.W.2d 833, 839–40 (Tex. 1992) (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, 827 S.W.2d at 840; see also Barnes v. State, 832 S.W.2d 424, 426 (Tex. App.—Houston [1st Dist.] 1992, orig. proceeding) (per curiam) (“Even a pro se applicant for a writ of mandamus must show himself entitled to the extraordinary relief he seeks.”).

The Court, having examined and fully considered the petition for writ of mandamus, the supplemental petition for writ of mandamus, and the applicable law, is of the opinion opinions issued on this same date. See *In re Cantu*, No. 13-26-00336-CV, 2026 WL _____, at *_ (Tex. App.—Corpus Christi—Edinburg Apr. __, 2026, orig. proceeding) (mem. op.); *In re Cantu*, No. 13-26-00337- CV, 2026 WL _____, at *_ (Tex.

App.—Corpus Christi—Edinburg Apr. __, 2026, orig. proceeding) (mem. op.). 2 that relator has not met his burden to obtain relief. Accordingly, we deny relator’s petition for writ of mandamus and supplemental petition for writ of mandamus. YSMAEL D. FONSECA Justice Delivered and filed on the 1st day of May, 2026. 3