

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

In re Melissa Lopez

No. 03-26-00316-CV · No. No. 03-26-00316-CV · Decided May 12, 2026

SUMMARY

The Texas Court of Appeals, Third District, denied Melissa Lopez’s petition for writ of mandamus seeking relief from the denial of her motion to withdraw deemed admissions. The court concluded that Lopez failed to provide a sufficient record to establish entitlement to mandamus relief and lifted the temporary stay of proceedings.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Darlene Byrne, Chief Justice; Justices Theofanis and Crump
JURISDICTION	Texas Court of Appeals, Third District, Austin
DECIDED	May 12, 2026
DOCKET	No. 03-26-00316-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original mandamus proceeding challenging the trial court's denial of Relator Melissa Lopez's motion to withdraw deemed admissions.
STANDARD OF REVIEW	A relator seeking mandamus relief bears the burden to request and properly establish entitlement to extraordinary relief, including by providing a sufficient record for the appellate court to evaluate the claim.
PRECEDENTIAL VALUE	Published memorandum opinion; the source identifies the opinion as published, but the opinion itself is a per curiam memorandum opinion denying mandamus relief based on an insufficient record.
PARTIES	Melissa Lopez v. Lydia Shin

TOPICS

- writ of certiorari
- appellate procedure
- discovery dispute
- civil procedure

PRACTICE AREAS

- civil procedure
- appellate procedure
- mandamus

QUESTIONS PRESENTED

1. Whether Lopez established entitlement to mandamus relief from the trial court's denial of her motion to withdraw deemed admissions.
2. Whether the petition should be denied because Lopez failed to provide a sufficient record.

HOLDINGS

1. A relator seeking mandamus relief must request and properly establish entitlement to extraordinary relief, including by providing a sufficient record from which the appellate court can evaluate the claim.
2. Lopez failed to show entitlement to mandamus relief because she did not provide a sufficient record from which the court could evaluate the merits of her petition.

KEY QUOTATIONS

“It is a relator’s burden to request and properly establish entitlement to extraordinary relief, including by providing this Court with a sufficient record from which to evaluate his claims.”

FACTUAL BACKGROUND

Lopez sought relief from the trial court's denial of her motion to withdraw deemed admissions. In the mandamus proceeding, she failed to provide a sufficient record containing the materials necessary for the court to evaluate the merits of her claim.

PROCEDURAL HISTORY

Lopez filed a petition for writ of mandamus and an emergency motion for temporary stay. The court granted a temporary stay, requested a response from real party in interest Lydia Shin, and then denied mandamus relief because Lopez failed to provide a sufficient record to evaluate the merits of her petition. The court lifted the temporary stay.

DISPOSITION

writ_denied

CASES CITED

- Walker v. Packer, 827 S.W.2d 833, 837 (Tex. 1992)
- In re Smith, No. 03-14-00478-CV, 2014 WL 4079922, at *2 (Tex. App.—Austin Aug. 13, 2014, orig. proceeding) (mem. op.)

OPINION

In Re Melissa Lopez v. the State of Texas

PER CURIAM.

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-26-00316-CV

In re Melissa Lopez

ORIGINAL PROCEEDING FROM BELL COUNTY

MEMORANDUM OPINION

On March 30, 2026, Relator Melissa Lopez filed a petition for writ of mandamus seeking mandamus relief from the trial court's denial of her motion to withdraw deemed admissions. She also filed an emergency motion for temporary stay. This Court granted the emergency motion and temporarily stayed all proceedings pending further order of this Court and requested a response, which real party in interest Lydia Shin has now filed. It is a relator's burden to request and properly establish entitlement to extraordinary relief, including by providing this Court with a sufficient record from which to evaluate his claims. See *Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992); *In re Smith*, No. 03-14-00478-CV, 2014 WL 4079922, at *2 (Tex. App.—Austin Aug. 13, 2014, orig. proceeding) (mem. op.) (denying mandamus relief when relator failed to provide sufficient record); see also Tex. R. App. P. 52.7(a) (requiring relator to file record containing sworn copies “of every document that is material to [his] claim for relief and that was filed in any underlying proceeding”). Here, Lopez has not provided us with a sufficient record from which we may evaluate the merits of her petition. On this record, we conclude that she has failed to show entitlement to relief. Accordingly, her petition for writ of mandamus is denied, and we lift this Court's temporary stay. See Tex. R. App. P. 52.8(a).

Darlene Byrne, Chief Justice Before Chief Justice Byrne, Justices Theofanis and Crump Filed: May 12, 2026 2