

COURT OF APPEALS OF TEXAS, EIGHTH DISTRICT, EL PASO

In re Maria Ramirez Alvarado

No. 08-26-00061-CV · No. 08-26-00061-CV · Decided January 23, 2026

SUMMARY

The Eighth Court of Appeals of Texas considered Maria Ramirez Alvarado’s petition for writ of mandamus challenging alleged possession orders issued by a justice court and county court. The court dismissed the petition for lack of jurisdiction as to the justice court, denied relief as to the county court because the petition failed to satisfy mandamus requirements, and dismissed the request for emergency relief as moot.

CASE DETAILS

COURT	Court of Appeals of Texas, Eighth District, El Paso
WRITING FOR THE COURT	Maria Salas Mendoza, Chief Justice; Palafox, Justice; Soto, Justice
JURISDICTION	Court of Appeals of Texas, Eighth District, El Paso
DECIDED	January 23, 2026
DOCKET	08-26-00061-CV
DISPOSITION	other
PROCEDURAL POSTURE	Original proceeding in mandamus challenging an alleged justice-court order of possession and county-court order of writ of possession, with a separate request for emergency temporary relief and a stay.
STANDARD OF REVIEW	Mandamus relief requires the relator to establish a clear entitlement to relief, and the relator bears the burden of providing a sufficient record. The court also reviewed its jurisdiction over the justice court under Texas Government Code section 22.221.
PRECEDENTIAL VALUE	Published
PARTIES	Maria Ramirez Alvarado, Relator v. The State of Texas

TOPICS

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

PRACTICE AREAS

- Appellate procedure
- Civil procedure
- Mandamus
- Remedies

QUESTIONS PRESENTED

1. Whether the court of appeals had jurisdiction to issue mandamus relief against the justice court.
2. Whether Alvarado established entitlement to mandamus relief against the county court despite failing to satisfy the certification, record, and citation requirements for a mandamus petition.
3. Whether Alvarado's request for emergency temporary relief and a stay remained justiciable.

HOLDINGS

1. The court of appeals lacks jurisdiction to issue mandamus relief against the justice court absent a showing that the writ is necessary to enforce the appellate court's jurisdiction.
2. A relator is not entitled to mandamus relief when the petition lacks the certification required by Texas Rule of Appellate Procedure 52.3(j), the certified or sworn documents required by Rules 52.3(k)(1)(B) and 52.7(a)(1), and the citation-supported argument required by Rule 52.3(h).
3. The request for emergency relief and a stay was moot.

KEY QUOTATIONS

“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.” (2)

“As a result, the petition lacks the certification required by Rule 52.3(j).” (3)

“We dismiss the petition for want of jurisdiction, in part, as to Alvarado’s request for mandamus relief against the justice court, and we deny the petition, in part, as to Alvarado’s request for relief against the county court.” (4)

FACTUAL BACKGROUND

Alvarado sought to vacate an alleged justice-court order of possession and an alleged county-court order of writ of possession. Her mandamus petition included a verification and an affidavit, but the statements were unsigned, the affidavit was unsworn, and neither document certified that the factual assertions were supported by competent evidence in the record or appendix. The record also lacked certified or sworn copies of the challenged and material documents, and the petition's argument lacked citations to authorities or to the appendix or record.

PROCEDURAL HISTORY

Maria Ramirez Alvarado petitioned the Eighth Court of Appeals for mandamus relief against a justice court and County Court at Law No. Six and separately sought emergency relief staying enforcement of the challenged orders. The court dismissed the mandamus request against the justice court for want of jurisdiction, denied mandamus relief against the county court because Alvarado failed to establish entitlement to relief, and dismissed the emergency motion as moot.

DISPOSITION

other

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.)
- Walker v. Packer, 827 S.W.2d 833, 837 (Tex. 1992)
- In re Butler, 270 S.W.3d 757, 758 (Tex. App.—Dallas 2008, orig. proceeding)
- In re XPO Logistics Freight, Inc., No. 08-25-00184-CV, 2025 WL 2005016, at *1 (Tex. App.—El Paso July 17, 2025, orig. proceeding) (mem. op.)
- In re Weaver, No. 08-25-00162-CV, 2025 WL 1774127, at *1–2 (Tex. App.—El Paso June 26, 2025, orig. proceeding) (mem. op.)
- In re Martinez, No. 08-24-00023-CV, 2024 WL 1723958, at *2 (Tex. App.—El Paso April 22, 2024, orig. proceeding) (mem. op.)
- In re Hernandez, No. 08-23-00160-CV, 2023 WL 4146281, at *1 (Tex. App.—El Paso June 23, 2023, orig. proceeding) (mem. op.)
- In re Vasquez, No. 08-12-00267-CV, 2012 WL 4714492, at *1 (Tex. App.—El Paso Oct. 3, 2012, orig. proceeding) (mem. op.)

OPINION

PER CURIAM.

COURT OF APPEALS EIGHTH DISTRICT OF TEXAS EL PASO, TEXAS No. 08-26-00061-CV In re Maria Ramirez Alvarado AN ORIGINAL PROCEEDING IN MANDAMUS M E M O R A N D U M O P I N I O N Relator, Maria Ramirez Alvarado, has filed a petition for writ of mandamus asking this Court to “[i]ssue a writ of mandamus directing the Justice Court and County Court at Law No. Six to vacate” an “Order of Possession” allegedly issued by the justice court and an “Order of Writ of Possession” allegedly issued by the county court.

Alvarado also requests, in both her petition for writ of mandamus and a separately filed “Emergency Motion for Temporary Relief and Stay,” that we issue an order staying enforcement of both court’s orders. We dismiss the petition for lack of jurisdiction to the extent Alvarado seeks mandamus relief against the justice court, we deny the petition regarding Alvarado’s request for mandamus relief against the county court, and we dismiss Alvarado’s request for emergency relief 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 Ann. § 22.221(b). An appellate court may also issue a writ of mandamus if it is “necessary to enforce the jurisdiction of the court.” Tex. Gov’t Code Ann. § 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.). Alvarado’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 Ann. § 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).

We conclude that we lack jurisdiction over Alvarado’s petition to the extent Alvarado seeks the issuance of a writ of mandamus against the justice court. In addition, under the rules of appellate procedure, “[t]he person filing [a mandamus] petition must certify that he or she has reviewed the petition and concluded that every factual statement in the petition is supported by competent evidence included in the appendix or record.” Tex. R. App.

P. 52.3(j). A relator must also attach “a certified or sworn copy of any order complained of, or any other document showing the matter complained of,” and “a certified or 2 sworn copy of every document that is material to the relator’s claim for relief.” Tex. R. App. P. 52.3(k)(1)(B), 52.7(a)(1); see *Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992) (“As the parties seeking relief, the Walkers had the burden of providing this Court with a sufficient record to establish their right to mandamus relief.”).

Finally, a petition must include an argument section that contains “appropriate citations to authorities and to the appendix or record.” Tex. R. App. P. 52.3(h). Alvarado’s petition contains a short section entitled “Verification,” stating that, “I, Maria Ramirez Alvarado, verify that the factual statements contained in this Petition are true and correct.” The petition also includes an “Affidavit of Relator, Maria Ramirez Alvarado,” which reiterates each of the factual assertions included in the petition’s “Statement of Facts.” These statements are not signed and are not statements of the person who filed the petition—Alvarado’s counsel.

Further, the “Affidavit” is not sworn, and neither the “Verification” nor the “Affidavit” certify that the factual statements made in the petition are supported by evidence in the record or appendix. As a result, the petition lacks the certification required by Rule 52.3(j). Tex. R. App. P. 52.3(j); see *In re Butler*, 270 S.W.3d 757, 758 (Tex. App.—Dallas 2008, orig. proceeding) (holding that petition did not meet the requirements of Rule 52.3(j) because, although the relators’ attorney stated the factual statements in the petition were true and correct, this statement did not meet the requirements of the rule, and he failed to provide the required certification—that the factual statements were supported by competent evidence in the record or appendix).

Moreover, the mandamus record does not contain certified or sworn copies of any documents showing the matter complained of and all documents that are material to Alvarado's claim for relief as required by Rule 52.3(k)(1)(B) and Rule 52.7(a)(1). See Tex. R. App. P. 52.3(k)(1)(B), 52.7(a)(1). Similarly, although the petition contains an argument section, the 3 argument lacks any citations to authorities or to the appendix or record as required by Rule 52.3(h).

See Tex. R. App. P. 52.3(h). After fully considering the petition and mandamus record before us, we conclude that Alvarado has not established an entitlement to mandamus relief. See *In re XPO Logistics Freight, Inc.*, No. 08-25-00184-CV, 2025 WL 2005016, at *1 (Tex. App.—El Paso July 17, 2025, orig. proceeding) (mem. op.); *In re Weaver*, No. 08-25-00162-CV, 2025 WL 1774127, at *1–2 (Tex.

App.—El Paso June 26, 2025, orig. proceeding) (mem. op.); *In re Martinez*, No. 08-24- 00023-CV, 2024 WL 1723958, at *2 (Tex. App.—El Paso April 22, 2024, orig. proceeding) (mem. op.); *In re Hernandez*, No. 08-23-00160-CV, 2023 WL 4146281, at *1 (Tex. App.—El Paso June 23, 2023, orig. proceeding) (mem. op.); *In re Vasquez*, No. 08-12-00267-CV, 2012 WL 4714492, at *1 (Tex.

App.—El Paso Oct. 3, 2012, orig. proceeding) (mem. op.). We dismiss the petition for want of jurisdiction, in part, as to Alvarado's request for mandamus relief against the justice court, and we deny the petition, in part, as to Alvarado's request for relief against the county court.

We dismiss the motion for emergency relief as moot. MARIA SALAS MENDOZA, Chief Justice January 23, 2026 Before Salas Mendoza, C.J., Palafox and Soto, JJ. 4