

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

In re James McCoy

No. 01-26-00405-CV · No. 01-26-00405-CV · Decided April 28, 2026

SUMMARY

The First Court of Appeals of Texas denied James McCoy’s petition for a writ of mandamus. McCoy alleged that the trial court failed to address his motion to compel an answer or, alternatively, for default judgment, but the court concluded that he had not established entitlement to mandamus relief and dismissed pending motions as moot.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Per Curiam; Chief Justice Adams; Justice Guerra; Justice Guiney
JURISDICTION	Court of Appeals for the First District of Texas
DECIDED	April 28, 2026
DOCKET	01-26-00405-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original proceeding on a petition for writ of mandamus challenging the trial court's alleged failure to address a motion to compel an answer or, alternatively, for default judgment.
STANDARD OF REVIEW	Mandamus relief was denied because the relator failed to establish that he was entitled to such relief.
PRECEDENTIAL VALUE	Published
PARTIES	James McCoy, Relator v. State of Texas

TOPICS

- writ of certiorari
- appellate procedure
- default judgment
- civil procedure

PRACTICE AREAS

- civil procedure
- appellate procedure
- remedies

QUESTIONS PRESENTED

1. Whether James McCoy established entitlement to a writ of mandamus directing the trial court to address his motion to compel an answer or, alternatively, for default judgment.

HOLDINGS

1. The relator failed to establish that he was entitled to mandamus relief, so the court denied the petition.

KEY QUOTATIONS

“We conclude that relator has failed to establish he is entitled to mandamus relief, and therefore, the Court denies relator’s petition for writ of mandamus.” (1)

FACTUAL BACKGROUND

James McCoy, an incarcerated pro se litigant, asserted that the trial court had not adequately addressed his motion to compel an answer or, alternatively, his motion for default judgment. He sought an order directing the trial court to promptly address that motion.

PROCEDURAL HISTORY

James McCoy, who was incarcerated and proceeding pro se, filed a mandamus petition asserting that the trial court failed to perform a ministerial duty to address his motion. The court of appeals concluded that McCoy failed to establish entitlement to mandamus relief, denied the petition, and dismissed pending motions as moot.

DISPOSITION

writ_denied

OPINION

PER CURIAM.

Opinion issued April 28, 2026 In The Court of Appeals For The First District of Texas NO. 01-26-00405-CV IN RE JAMES MCCOY, Relator Original Proceeding on Petition for Writ of Mandamus MEMORANDUM OPINION Relator, James McCoy, currently incarcerated and proceeding pro se, filed a petition for a writ of mandamus asserting that the trial court failed to perform its ministerial duty “to adequately address [r]elator’s Motion [t]o Compel Answer [o]r Alternatively Motion for Default Judgment properly filed and before the [trial] court.”¹ Relator requested that this Court issue a writ of mandamus directing the trial court to “promptly address his Motion [t]o Compel Answer [o]r Alternatively Motion for Default Judgment.” We conclude that relator has failed to establish he is entitled to mandamus relief, and therefore, the Court denies relator’s petition for writ of mandamus.

We dismiss any pending motions as moot. PER CURIAM Panel consists of Chief Justice Adams and Justices Guerra and Guiney. 1 The underlying case is James McCoy v. Sylvia Hightower,

Cause No. 036819, in the 506th District Court of Grimes County, Texas, the Honorable Gary W. Chaney presiding. 2

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