

COURT OF APPEALS FOR THE NINTH DISTRICT OF TEXAS AT BEAUMONT

In re Scott Mitchell Obeginski

No. 09-26-00173-CV · No. 09-26-00173-CV · Decided May 4, 2026

SUMMARY

The Ninth Court of Appeals of Texas at Beaumont denied Scott Mitchell Obeginski’s petition for a writ of mandamus and motion for temporary relief. The court held that the trial court’s plenary power to modify the judgment had expired, the motion sought to void rather than enforce the judgment, and Relator had not shown a clear abuse of discretion.

CASE DETAILS

COURT	Court of Appeals for the Ninth District of Texas at Beaumont
WRITING FOR THE COURT	Per Curiam; Golemon, C.J.; Wright, J.; Chambers, J.
JURISDICTION	Court of Appeals for the Ninth District of Texas at Beaumont
DECIDED	May 4, 2026
DOCKET	09-26-00173-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original mandamus proceeding arising from the 284th District Court of Montgomery County, Texas. Relator sought a writ directing the trial court to rule on an amended motion to vacate a modified final judgment and sought temporary relief.
STANDARD OF REVIEW	Mandamus relief requires a clear abuse of discretion by the trial court and the absence of an adequate remedy by appeal. A trial court abuses its discretion when its decision is arbitrary and unreasonable, constitutes clear and prejudicial legal error, or results from an incorrect analysis or application of the law.
PRECEDENTIAL VALUE	Published
PARTIES	Scott Mitchell Obeginski, Relator

TOPICS

- writ of certiorari
- appellate procedure
- standard of review
- civil procedure
- remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court clearly abused its discretion by failing to rule on Obeginski's amended motion to vacate the Modified Final Judgment and its supplements.
2. Whether mandamus relief and temporary relief were available where the trial court's plenary power to modify the judgment had expired and the motion did not invoke the trial court's judgment-enforcement power.

HOLDINGS

1. Mandamus relief was not warranted because Relator did not show that the trial court abused its discretion.
2. The motion for temporary relief was denied.

KEY QUOTATIONS

“We may issue a writ of mandamus to remedy a clear abuse of discretion by the trial court when the relator lacks an adequate remedy by appeal.” (at 1)

“A trial court clearly abuses its discretion if it reaches a decision so arbitrary and unreasonable as to amount to a clear and prejudicial error of law.” (at 1)

“A trial court also abuses its discretion if it fails to correctly analyze or apply the law, because a trial court has no discretion in determining what the law is or in applying the law to the facts.” (at 1)

“The trial court’s plenary power to modify the judgment expired before Relator filed the motion contained in the appendix to his mandamus petition.” (at 2)

FACTUAL BACKGROUND

The trial court signed a Modified Final Judgment on October 17, 2025. Obeginski perfected an appeal from that judgment and later filed an amended motion to vacate the judgment, together with four supplements, alleging that the trial court had failed to rule on the motion. The motion sought to void the judgment rather than enforce it.

PROCEDURAL HISTORY

The trial court signed a Modified Final Judgment on October 17, 2025. Obeginski perfected a separate appeal on December 1, 2025, and later filed an amended motion to vacate the judgment with four supplements; asserting that the trial court had not ruled, he filed this mandamus petition. The court of appeals denied the petition as supplemented and denied the motion for temporary relief.

DISPOSITION

writ_denied

CASES CITED

- In re Prudential Ins. Co. of Am., 148 S.W.3d 124, 135-36 (Tex. 2004) (orig. proceeding)
- Walker v. Packer, 827 S.W.2d 833, 839-40 (Tex. 1992) (orig. proceeding)
- Cook v. Stallcup, 170 S.W.3d 916, 920 (Tex. App.—Dallas 2005, no pet.)

OPINION

In Re Scott Mitchell Obeginski v. the State of Texas

PER CURIAM.

In The Court of Appeals Ninth District of Texas at Beaumont _____

NO. 09-26-00173-CV

IN RE SCOTT MITCHELL OBEGINSKI

Original

Proceeding 284th District Court of Montgomery County, Texas Trial Cause No. 24-11-18234

MEMORANDUM OPINION

Scott Mitchell Obeginski filed a petition for a writ of mandamus and a motion for temporary relief. The trial court signed a Modified Final Judgment on October 17, 2025. On December 1, 2025, Relator perfected an appeal by filing a notice of appeal in Trial Cause Number 24-11-18234 and an active appeal has been docketed as Appeal Number 09-25-00487-CV, Scott Mitchell Obeginski v. Codilis & Moody, P.C., et al. Relator complains that he filed an amended motion to vacate the final judgment on March 27, 2026, and four supplements to this motion but the trial court has failed to rule on the motion as supplemented. 1 We may issue a writ of mandamus to remedy a clear abuse of discretion by the trial court when the relator lacks an adequate remedy by appeal. See In re Prudential Ins. Co. of Am., 148 S.W.3d 124, 135-36 (Tex. 2004) (orig. proceeding); Walker v. Packer, 827 S.W.2d 833, 839-40 (Tex. 1992) (orig. proceeding). “A trial court clearly abuses its discretion if it reaches a decision so arbitrary and unreasonable as to amount to a clear and prejudicial error of law.” Walker, 827 S.W.2d at 839 (internal quotations omitted). A trial court also abuses its discretion if it fails to correctly analyze or apply the law, because a trial court has no discretion in determining what the law is or in applying the law to the facts. See In re Prudential Ins. Co. of Am., 148 S.W.3d at 135; Walker, 827 S.W.2d at 840. The trial court’s plenary power to modify the judgment expired before Relator filed the motion contained in the appendix to his mandamus petition. See Tex. R. Civ. P. 329b(e). Relator has not invoked the trial court’s power to enforce its judgment, as the motion seeks to void the judgment, not to enforce it. See id. 308; Cook v. Stallcup, 170 S.W.3d 916, 920 (Tex. App.—Dallas 2005, no pet.) (“[E]nforcement orders may not be inconsistent with the original judgment and must not constitute a material change in substantial adjudicated portions of the judgment.”). 2 Relator has not shown that the trial court abused its discretion. Accordingly, we deny the petition for a writ of

mandamus as supplemented, and we deny the motion for temporary relief. See Tex. R. App. P. 52.8(a). PETITION DENIED.

PER CURIAM

Submitted on May 1, 2026 Opinion Delivered May 4, 2026 Before Golemon, C.J., Wright and Chambers, JJ. 3