

**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

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