

COURT OF APPEALS OF THE EIGHTH DISTRICT OF TEXAS AT EL PASO

In re Rafael Guillen

No. 08-26-00090-CR · No. No. 08-26-00090-CR · Decided May 7, 2026

SUMMARY

The Eighth District Court of Appeals of Texas dismissed as moot Rafael Guillen’s petition for writ of mandamus. The court had abated the proceeding to allow the successor judge of the 205th District Court of El Paso County to rule on Guillen’s motion for judgment nunc pro tunc; the successor judge granted the motion, eliminating the need for mandamus relief.

CASE DETAILS

|                       |                                                                                                                              |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals of the Eighth District of Texas at El Paso                                                                  |
| WRITING FOR THE COURT | Per curiam; Maria Salas Mendoza, Chief Justice; Palafox, Justice; Soto, Justice                                              |
| JURISDICTION          | Court of Appeals for the Eighth District of Texas                                                                            |
| DECIDED               | May 7, 2026                                                                                                                  |
| DOCKET                | No. 08-26-00090-CR                                                                                                           |
| DISPOSITION           | dismissed                                                                                                                    |
| PROCEDURAL POSTURE    | Original proceeding for a writ of mandamus seeking to compel the trial court to rule on a Motion for Judgment Nunc Pro Tunc. |
| PRECEDENTIAL VALUE    | Unpublished; designated Do Not Publish                                                                                       |
| PARTIES               | Rafael Guillen, Relator v. State of Texas                                                                                    |

TOPICS

- mootness
- appellate procedure
- criminal procedure
- remedies

PRACTICE AREAS

- appellate procedure
- criminal procedure
- mandamus
- remedies

QUESTIONS PRESENTED

- Whether the petition for writ of mandamus became moot after the successor trial judge granted the motion for which Guillen sought a ruling.

## HOLDINGS

1. The petition for writ of mandamus was moot because the successor trial judge granted Guillen's Motion for Judgment Nunc Pro Tunc, providing the requested relief.

## KEY QUOTATIONS

*“We reinstate the appeal and dismiss as moot the petition for writ of mandamus.” (2)*

## FACTUAL BACKGROUND

Rafael Guillen sought a ruling on his Motion for Judgment Nunc Pro Tunc from the 205th District Court of El Paso County. After the original judge, Kathleen H. Olivares, was succeeded by Francisco X. Dominguez, the successor judge granted Guillen's motion on April 27, 2026.

## PROCEDURAL HISTORY

Guillen petitioned for mandamus relief based on the trial court's failure to rule on his motion. After the original judge left office, the successor judge became responsible for the underlying matter. The appellate court abated the mandamus proceeding under Texas Rule of Appellate Procedure 7.2(b) to permit the successor judge to reconsider the matter. The successor judge then granted the motion, and the appellate court reinstated the proceeding and dismissed the mandamus petition as moot.

## DISPOSITION

dismissed

## OPINION

### PER CURIAM.

COURT OF APPEALS EIGHTH DISTRICT OF TEXAS EL PASO, TEXAS No. 08-26-00090-CR In re Rafael Guillen, Relator AN ORIGINAL PROCEEDING IN MANDAMUS M E M O R A N D U M O P I N I O N In this original proceeding, Relator Rafael Guillen seeks mandamus relief for the trial court's failure to enter a ruling on his “Motion for Judgment Nunc Pro Tunc,” directed at the Honorable Kathleen H. Olivares of the 205th District Court of El Paso County, Texas.

The Honorable Francisco X. Dominguez became the successor judge of the 205th District Court and is now presiding over the underlying matter. We abated Relator's petition for writ of mandamus on February 26, 2026. to allow the trial court's successor judge to consider Relator's motion. See Tex. R. App. P. 7.2(b) (“If the case is an original proceeding under Rule 52, the court must abate the proceeding to allow the successor to reconsider the original party's decision.”).

On April 27, 2026, the trial court's successor judge signed an order granting Relator's “Motion for Judgment Nunc Pro Tunc.” We reinstate the appeal and dismiss as moot the petition for writ of

mandamus. MARIA SALAS MENDOZA, Chief Justice May 7, 2026 Before Salas Mendoza, C.J., Palafox and Soto, JJ. (Do Not Publish) 2

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