

TEXAS COURT OF APPEALS, THIRD DISTRICT, AUSTIN

In re Ijeoma A. Ejem

No. 03-26-00078-CV · No. 03-26-00078-CV · Decided January 29, 2026

SUMMARY

The Texas Court of Appeals, Third District, dismissed a petition for writ of mandamus for want of jurisdiction. The court held that it lacked authority to issue mandamus against a justice of the peace or justice court because the relator did not show that the writ was necessary to preserve the appellate court’s jurisdiction.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, Austin
WRITING FOR THE COURT	Karin Crump, Justice; Chief Justice Byrne; Justice Theofanis; Justice Crump
JURISDICTION	Texas Court of Appeals, Third District, Austin
DECIDED	January 29, 2026
DOCKET	03-26-00078-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Original proceeding in which the relator sought a writ of mandamus concerning a justice court's alleged refusal to dispose of pending motions when judgment was rendered.
STANDARD OF REVIEW	Jurisdiction is determined under the court of appeals' statutory mandamus authority; the court examined whether issuance of the writ was necessary to preserve its jurisdiction.
PRECEDENTIAL VALUE	Published
PARTIES	Ijeoma A. Ejem, relator

TOPICS

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

PRACTICE AREAS

- Appellate procedure
- Civil procedure
- Mandamus

QUESTIONS PRESENTED

1. Whether the court of appeals had jurisdiction to issue a writ of mandamus against a justice of the peace or justice court when the relator did not show that the writ was necessary to preserve the court's jurisdiction.

HOLDINGS

1. A Texas court of appeals lacks jurisdiction to issue a writ of mandamus against a justice of the peace or justice court unless issuing the writ is necessary to preserve the court of appeals' jurisdiction.

KEY QUOTATIONS

“We lack jurisdiction to issue a writ of mandamus against a justice of the peace or justice court unless it is necessary to preserve our jurisdiction.” (at 2)

“Therefore, we lack jurisdiction to issue the requested writ.” (at 2)

FACTUAL BACKGROUND

The relator alleged that a justice court refused to dispose of pending motions when judgment was rendered in the underlying matter. She sought mandamus relief from the Texas Court of Appeals, Third District. The opinion states that she did not argue or demonstrate that issuance of the writ was necessary to preserve the appellate court's jurisdiction.

PROCEDURAL HISTORY

Ejem filed a petition for writ of mandamus in the Texas Court of Appeals, Third District, arising from an underlying matter in Travis County Justice Court. The court of appeals concluded that it lacked jurisdiction to issue mandamus against a justice of the peace or justice court because Ejem neither argued nor showed that mandamus was necessary to preserve the appellate court's jurisdiction, and it dismissed the petition for want of jurisdiction.

DISPOSITION

dismissed

CASES CITED

- Twenty First Century Holdings, Inc. v. Precision Geothermal Drilling, L.L.C., No. 03-13-00081-CV, 2015 WL 1882267, at *6 (Tex. App.—Austin Apr. 23, 2015, no pet.) (mem. op.)
- Mullins v. Holt, No. 10-13-00114-CV, 2013 WL 2257151 (Tex. App.—Waco May 9, 2013, no pet.) (mem. op.)
- Rodriguez v. Womack, No. 14-10-01213-CV, 2012 WL 19659 (Tex. App.—Houston [14th Dist.] Jan. 5, 2012, pet. denied) (mem. op.)
- In re Smith, 355 S.W.3d 901, 901–02 (Tex. App.—Amarillo 2011, orig. proceeding) (per curiam)

OPINION

PER CURIAM.

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN NO. 03-26-00078-CV In re Ijeoma A. Ejem ORIGINAL PROCEEDING FROM TRAVIS COUNTY MEMORANDUM OPINION Relator has filed a petition for writ of mandamus complaining of the justice court's alleged refusal to dispose of pending motions at the time judgment was rendered in the underlying matter.

We lack jurisdiction to issue a writ of mandamus against a justice of the peace or justice court unless it is necessary to preserve our jurisdiction. See Tex. Gov't Code § 22.221 (writ power of court of appeals); *Twenty First Century Holdings, Inc. v. Precision Geothermal Drilling, L.L.C.*, No. 03-13-00081-CV, 2015 WL 1882267, at *6 (Tex. App.—Austin Apr. 23, 2015, no pet.) (mem. op.) (citing *Mullins v. Holt*, No. 10-13-00114-CV, 2013 WL 2257151 (Tex.

App.—Waco May 9, 2013, no pet.)) (mem. op.) (court of appeals has no jurisdiction to issue writ against judge of justice court unless necessary to preserve jurisdiction); *Rodriguez v. Womack*, No. 14-10-01213-CV, 2012 WL 19659 (Tex. App.—Houston [14th Dist.] Jan. 5, 2012, pet. denied) (mem. op.) (noting court of appeals' lack of jurisdiction to issue writ against justice court).

Relator does not argue or show that a writ of mandamus is necessary to preserve our jurisdiction in this case. Therefore, we lack jurisdiction to issue the requested writ. See *In re Smith*, 355 S.W.3d 901, 901-02 (Tex. App.—Amarillo 2011, orig. proceeding) (per curiam) (where appellants did not argue or show writ was necessary to preserve jurisdiction, appellate court lacked jurisdiction to issue writ against justice of peace).

Accordingly, the petition is dismissed for want of jurisdiction.

Karin Crump, Justice Before Chief Justice
Byrne, Justices Theofanis and Crump Filed: January 29, 2026 2