

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)

