



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

IN RE	§	No. 08-16-00127-CV
GEORGE A. MOLINAR,	§	ORIGINAL PROCEEDING
RELATOR.	§	ON PETITION FOR WRIT OF
	§	PROHIBITION

MEMORANDUM OPINION

Relator, George Molinar, has filed a petition for writ of prohibition against Mohd Refaei alleging that Refaei is interfering with the Court's jurisdiction over a pending appeal from an eviction judgment, *George A. Molinar v. Mohd Refaei*, cause number 08-14-00299-CV, because he refuses to authorize irrigation of the subject property. Relator has also filed a motion for emergency relief. The petition for writ of prohibition and the motion for emergency relief are denied.

A writ of prohibition operates like an injunction issued by a superior court to control, limit, or prevent action in a court of inferior jurisdiction. *Holloway v. Fifth Court of Appeals*, 767 S.W.2d 680, 682 (Tex. 1989); *In re Cap Rock Energy Corporation*, 225 S.W.3d 160 (Tex.App.--El Paso 2005, original proceeding). The purpose of the writ is to enable a superior court to protect and enforce its jurisdiction and judgments. *Holloway*, 767 S.W.2d at 683; *In re Cap Rock*, 225 S.W.3d at 160. The writ is typically used to protect the subject matter of an

appeal or to prohibit an unlawful interference with the enforcement of a superior court's orders and judgments. *Holloway*, 767 S.W.2d at 683.

While Relator has shown that there is a pending appeal, he has failed to establish that issuance of the writ of prohibition is necessary to protect the subject matter of the appeal or to prohibit interference with enforcement of an order or judgment of this Court. Accordingly, we deny the petition and motion for emergency relief. *See* TEX.R.APP.P. 52.8(a), 52.10.

July 27, 2016

YVONNE T. RODRIGUEZ, Justice

Before McClure, C.J., Rodriguez, and Hughes, JJ.