

Court Of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

No. 04-08-00433-CV

IN RE Juan CHAVEZ

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Sandee Bryan Marion, Justice
Phylis J. Speedlin, Justice
Steven C. Hilbig, Justice

Delivered and Filed: August 6, 2008

PETITION FOR WRIT OF MANDAMUS DENIED

On June 20, 2008, relator Juan Chavez filed a petition for a writ of mandamus in this court. Chavez, who was a candidate for a position on the Laredo City Council, was defeated in an election held on May 10, 2008. Chavez claims the winner of the election, Jose A. Valdez, Jr., was ineligible to run for the Laredo City Council. Chavez requests a writ of mandamus directing the trial court to reverse its order of March 13, 2008 declaring Valdez eligible to seek election to the city council and requiring Valdez's name to be placed on the ballot. The court has considered Chavez's mandamus petition and is of the opinion relief should be denied. *See Cox v. Perry*, 138 S.W.3d 515, 518 (Tex. App.—Fort Worth 2004, no pet.) (holding defeated candidate did not have standing to challenge

¹This proceeding arises out of Cause No. 2008-CVQ-000288-D2, styled *Jose A. Valdez, Jr. v. Gustavo Guevara, Jr., City Secretary, and the City of Laredo*, filed in the 111th Judicial District Court, Webb County, Texas. However, the challenged orders were signed by the Honorable David Peebles, Presiding Judge, Fourth Administrative Judicial Region, who heard the case by assignment.

winning candidate's eligibility to take office); *Norville v. Parnell*, 118 S.W.3d 503, 504 (Tex. App.—Dallas 2003, pet. denied) (holding the issue of a winning candidate's eligibility is exclusively a matter of public concern and must be prosecuted by the State in a writ of quo warranto). Accordingly, Chavez's petition for a writ of mandamus is denied. *See* TEX. R. APP. P. 52.8(a).

PER CURIAM