



**NUMBERS 13-23-00580-CV, 13-23-00582-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI – EDINBURG**

---

**IN THE MATTER OF THE MARRIAGE  
OF ROXANNA HERNANDEZ AND ALEX HERNANDEZ JR.**

---

**On appeal from the 117th District Court  
of Nueces County, Texas.**

---

**MEMORANDUM OPINION**

**Before Chief Justice Contreras and Justices Benavides and Tijerina  
Memorandum Opinion by Justice Benavides**

Alex Hernandez Jr. filed a “Motion for Interlocutory Appeal[,] Notice of Mandamus[,] and Motion to Stay” in this Court on December 14, 2023. We construed this pleading as both a notice of appeal and a petition for writ of mandamus and docketed it in two cause numbers: 13-23-00580-CV for the petition for writ of mandamus, and 13-23-00582-CV for the appeal. On December 15, 2023, the Clerk of this Court notified Hernandez that it appeared that there was not a final, appealable order, that there was no statutory basis for an interlocutory appeal, and that a notice of interlocutory appeal

would be untimely. The Clerk advised Hernandez that the appeal would be dismissed if these defects were not corrected within ten days. See TEX. R. APP. P. 37.1. The Clerk further advised Hernandez that the petition for writ of mandamus failed to comply with the appellate rules and directed him to file an amended petition within five days. See *id.* R. 9.4(i)(3), 52.3, 52.7. And finally, the Clerk informed Hernandez that the motion for stay failed to comply with the Texas Rules of Appellate Procedure. See *id.* R. 10.1, 52.10(a). Hernandez has not responded to the Clerk's directives and has not otherwise corrected any of these defects.

The Court, having examined and fully considered the documents on file and the applicable law, is of the opinion that the appeal should be dismissed and the petition for writ of mandamus should be denied. Accordingly, we dismiss the appeal in cause number 13-23-00582-CV and we deny the petition for writ of mandamus in cause number 13-23-00580-CV. We dismiss the motion to stay as moot in both cases.

GINA M. BENAVIDES  
Justice

Delivered and filed on the  
11th day of January, 2024.