

Opinion filed April 1, 2019



In The
Eleventh Court of Appeals

No. 11-19-00111-CV

IN RE RANDLE C. DANIELS

Original Mandamus Proceeding

MEMORANDUM OPINION

Relator, Randle C. Daniels, has filed in this court an original proceeding styled “EMERGENCY APPLICATION to STAY FORECLOSURE affecting SUBSTANTIAL PROPERTY RIGHTS.” Relator requests that we grant him emergency relief. He “prays that this Court consider that this item could not be appealed and that significant rights have been lost,” and he asks that we “recognize the un-appealable loss and stay the foreclosure pending for April 2, 2019, and/or reform the tax role to restore the rights lost.” We have no authority to grant the relief sought by Relator.

First, we note that it is not clear to whom the petition is directed. A court of appeals has no general writ power over a person other than a judge of a district or

county court unless issuance of the writ is necessary to enforce the court's jurisdiction. *See* TEX. GOV'T CODE ANN. § 22.221 (West Supp. 2018). Relator has not shown that a writ of mandamus directed to someone other than a judge is necessary to enforce our jurisdiction. Accordingly, to the extent that Relator is seeking relief against someone other than the Honorable Judge Jason C. Cashon, judge of the 266th District Court, we do not have jurisdiction to grant that relief.

To the extent that Relator requests a mandamus against Judge Cashon, he references a judgment apparently entered by Judge Cashon in 2017 in a tax suit filed by the Stephenville Independent School District against Relator. Relator contends that the foreclosure sale scheduled for April 2, 2019, arises from this judgment. However, Relator has not attached a signed copy of the judgment and he has not attached any documentation that evidences that the foreclosure sale arises from this judgment. Accordingly, Relator has not established that he is entitled to mandamus relief against Judge Cashon. *See* TEX. R. APP. P. 52.8(a).

We deny Relator's request for emergency relief, and we deny Relator's petition for writ of mandamus to the extent that it is directed at Judge Cashon. To the extent that it is directed at others, we dismiss it for want of jurisdiction.

PER CURIAM

April 1, 2019

Panel consists of: Bailey, C.J.,
Stretcher, J., and Wright, S.C.J.¹

Willson, J., not participating.

¹Jim R. Wright, Senior Chief Justice (Retired), Court of Appeals, 11th District of Texas at Eastland, sitting by assignment.