

**Petition for Writ of Mandamus Denied and Petition for Writ of Prohibition  
Dismissed and Memorandum Opinion filed September 22, 2016.**



**In The**

**Fourteenth Court of Appeals**

---

**NO. 14-16-00749-CV**

**NO. 14-16-00750-CV**

---

**IN RE EMILIO DE LOS SANTOS, Relator**

---

**ORIGINAL PROCEEDING  
WRIT OF MANDAMUS  
WRIT OF PROHIBITION  
County Court at Law No. 4  
Fort Bend County, Texas  
Trial Court Cause No. 15-CPR-028306**

---

**MEMORANDUM OPINION**

On September 21, 2016, relator Emilio De Los Santos filed a petition for writ of mandamus in this court. *See* Tex. Gov't Code Ann. § 22.221 (West 2004); *see also* Tex. R. App. P. 52. In the petition, relator asks this court to compel the

Honorable Sandy Beilstein, presiding judge of the County Court at Law No. 4 of Fort Bend County, to set aside the August 23, 2016 order directing relator to vacate certain property. Relator has not shown that he is entitled to mandamus relief.

Relator also filed a petition for writ of prohibition, to prohibit Judge Beilstein from holding any hearings in the case until this court has decided the petition for writ of mandamus. No appeal related to the underlying action is pending in this court. In the absence of a pending appeal, this court lacks jurisdiction over relator's petition for writ of prohibition. *See Bayoud v. N. Cent. Inv. Corp.*, 751 S.W.2d 525, 529 (Tex. App.—Dallas 1988, orig. proceeding) (“A court of appeals does not have jurisdiction, absent a pending appeal, to issue a writ of prohibition requiring that a trial court refrain from performing a future act.”).

Accordingly, we deny relator's petition for writ of mandamus, and dismiss his petition for writ of prohibition for lack of jurisdiction. We further deny relator's emergency motion for temporary relief.

PER CURIAM

Panel consists of Chief Justice Frost and Justices Boyce and Christopher.