



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-20-00386-CR

**IN RE** Eustorgio Guzman **RESENDEZ**

Original Mandamus Proceeding<sup>1</sup>

PER CURIAM

Sitting: Rebeca C. Martinez, Justice  
Luz Elena D. Chapa, Justice  
Irene Rios, Justice

Delivered and Filed: August 12, 2020

DISMISSED FOR LACK OF JURISDICTION

On July 31, 2020, relator Eustorgio Guzman Resendez filed a pro se petition for a writ of mandamus, seeking to compel a justice of the peace to rule on relator's "Motion to Reopen an Inquest Under Texas Code of Criminal Procedure art. 49.041."

Article V, section 6 of the Texas Constitution, provides that the courts of appeals have original jurisdiction as prescribed by law. TEX. CONST. Art. V, § 6. The Texas Government Code authorizes this court to issue a writ of mandamus against a judge of a district, statutory county, statutory probate county, or county court in our district; a judge of a district court who is acting as a magistrate at a court of inquiry under Chapter 52, Code of Criminal Procedure in our district; and certain associate judges appointed pursuant to the Family Code. TEX. GOV'T CODE

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<sup>1</sup> This proceeding arises out of Cause No. 91-CR-43, styled *Ex parte Eustorgio Guzman Resendez v. The State of Texas*, pending in the Justice of the Peace Court, Precinct 3, Starr County, Texas, the Honorable Salvador Zarate Jr. presiding.

§ 22.221(b). We may also issue a writ of mandamus in order to enforce our jurisdiction. *Id.*

§ 22.221(a).

Relator seeks mandamus relief against a justice of the peace. We do not have jurisdiction to issue a writ of mandamus against a justice of the peace. *In re Resendez*, 501 S.W.3d 680 (Tex. App.—San Antonio 2016) (per curiam) (mem. op.); *In re Wilkins*, No. 11-20-00157-CR, 2020 WL 4038852, at \*1 (Tex. App.—Eastland July 16, 2020) (per curiam) (mem. op.). Further, relator has not argued or demonstrated that the relief he seeks is necessary to enforce our jurisdiction.

We therefore dismiss relator's petition for lack of jurisdiction.<sup>2</sup> No costs shall be assessed against relator because he is indigent. The clerk of this court is directed to transmit a copy of this opinion to the relator, the attorneys of record, the trial court judge, and the trial court clerk.

PER CURIAM

DO NOT PUBLISH

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<sup>2</sup> Generally, the district court has exclusive original jurisdiction over a mandamus proceeding against a justice of the peace. See *In re Nolo Press/Folk Law, Inc.*, 991 S.W.2d 768, 775 (Tex. 1999); *Grimm v. Garner*, 589 S.W.2d 955, 956 (Tex. 1979).