

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-15-00154-CV

IN RE KATHLEEN THOMAS

Original Proceeding

MEMORANDUM OPINION

Kathleen Thomas filed an emergency motion to stay all proceedings in the trial court pending this Court’s disposition of her petition for writ of mandamus. *See generally* Tex. R. App. P. 52.10. Thomas did not file a petition seeking mandamus relief. “Implicit within Rule 52.10 is the necessity for a petition to be filed before the appellate court can grant emergency relief.” *In re Ramirez*, 133 S.W.3d 664, 664-65 (Tex. App.—Corpus Christi 2003, orig. proceeding). “Until a petition is filed, there is no dispute before the court.” *Id.* at 665.

We have no jurisdiction to consider the motion because Thomas has not filed a petition for writ of mandamus. Accordingly, we dismiss relators’ motion

for want of jurisdiction, without prejudice to reassert the motion after commencing a proceeding pursuant to Texas Rule of Appellate Procedure 52.

DISMISSED.

PER CURIAM

Submitted on April 24, 2015
Opinion Delivered April 27, 2015

Before McKeithen, C.J., Kreger and Horton, JJ.