



NUMBER 13-18-00693-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN RE H.F.C., A CHILD

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

**Before Chief Justice Contreras and Justices Longoria and Hinojosa
Memorandum Opinion by Justice Hinojosa¹**

Yasemin Turan filed a “Notice of Intent to File a Petition for Writ of Mandamus and Motion to Stay” in the above cause on December 28, 2018 but did not file the petition for writ of mandamus. An original proceeding must be commenced before an appellate court obtains jurisdiction to grant relief by motion under the Texas Rules of Appellate Procedure. *In re Terminix Int’l, Co.*, 131 S.W.3d 651, 653 (Tex. App.—Corpus Christi 2004, orig. proceeding); *In re Ramirez*, 133 S.W.3d 664, 664–65 (Tex. App.—Corpus

¹ See TEX. R. APP. P. 52.8(d) (“When granting relief, the court must hand down an opinion as in any other case,” but when “denying relief, the court may hand down an opinion but is not required to do so.”); TEX. R. APP. P. 47.4 (distinguishing opinions and memorandum opinions).

Christi 2003, orig. proceeding); *In re Kelleher*, 999 S.W.2d 51, 52 (Tex. App.—Amarillo 1999, orig. proceeding); see also *In re H.L.*, No. 03-15-00407-CV, 2015 WL 4448839, at *1 (Tex. App.—Austin July 14, 2015, orig. proceeding). Until an appropriate petition is filed, there is no dispute before this Court. See *In re Ramirez*, 133 S.W.3d at 664–65; *In re Kelleher*, 999 S.W.2d at 52.

Because relator has not filed a petition for writ of mandamus, we conclude we have no jurisdiction to consider the motion to stay. Accordingly, this matter is DISMISSED FOR WANT OF JURISDICTION without prejudice to relator’s right to reassert the motion after commencing an original proceeding pursuant to the appellate rules. See Tex. R. App. P. 52.1, 52.10.

LETICIA HINOJOSA
Justice

Delivered and filed the
3rd day of January, 2019.