



**NUMBER 13-19-00130-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**IN RE ESEQUIEL DE LA PAZ**

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**On Petition for Writ of Mandamus.**

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**MEMORANDUM OPINION**

**Before Chief Justice Contreras and Justices Longoria and Perkes  
Memorandum Opinion by Justice Contreras<sup>1</sup>**

Relator Esequiel De La Paz filed a petition for writ of mandamus in the above cause seeking to compel the trial court to dismiss the underlying election contest as moot and to cancel the general election for Justice of the Peace, Precinct 4 of Kleberg County, Texas, which is currently set to occur on May 4, 2019. By motion for emergency relief, relator seeks to abate the underlying trial court proceedings and the pending May 4, 2019 general election.

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<sup>1</sup> See TEX. R. APP. P. 52.8(d) (“When denying relief, the court may hand down an opinion but is not required to do so.”); see *also id.* R. 47.4 (distinguishing opinions and memorandum opinions).

To obtain relief by writ of mandamus, a relator must establish that an underlying order is void or a clear abuse of discretion and that no adequate appellate remedy exists. *In re Nationwide Ins. Co. of Am.*, 494 S.W.3d 708, 712 (Tex. 2016) (orig. proceeding); *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding); *Walker v. Packer*, 827 S.W.2d 833, 839–40 (Tex. 1992) (orig. proceeding). An abuse of discretion occurs when a trial court’s ruling is arbitrary and unreasonable or is made without regard for guiding legal principles or supporting evidence. *In re Nationwide*, 494 S.W.3d at 712; *Ford Motor Co. v. Garcia*, 363 S.W.3d 573, 578 (Tex. 2012).

The Court, having examined and fully considered the petition for writ of mandamus, the record, and the applicable law, is of the opinion that relator has not met his burden to obtain mandamus relief. Accordingly, we deny the motion for emergency relief and the petition for writ of mandamus. See TEX. R. APP. P. 52.8(a), 52.10(b).

DORI CONTRERAS  
Chief Justice

Delivered and filed the  
1st day of April, 2019.