



NUMBER 13-24-00295-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

IN RE DENNIS EBORKA

ON PETITION FOR WRIT OF MANDAMUS

MEMORANDUM OPINION

**Before Chief Justice Contreras and Justices Tijerina and Peña
Memorandum Opinion by Justice Tijerina¹**

By pro se petition for writ of mandamus, relator Dennis Eborka, “a former student of University of Texas Rio Grande Valley during the summer of 2020 and spring of 2021,” seeks to compel Douglas Stoves to change a grade that relator received “due to evidence of multiple correct answers.” Relator previously raised the same or similar complaints by direct appeal. See *Eborka v. Stoves*, No. 13-23-00417-CV, 2024 WL 630886, at *1 (Tex.

¹ 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. When granting relief, the court must hand down an opinion as in any other case.”); *id.* R. 47.4 (distinguishing opinions and memorandum opinions).

App.—Corpus Christi—Edinburg Feb. 15, 2024, pet. dism'd w.o.j.) (mem. op.).

Article V, § 6 of the Texas Constitution delineates the appellate jurisdiction of the courts of appeals, and states that the courts of appeals “shall have such other jurisdiction, original and appellate, as may be prescribed by law.” TEX. CONST. art. V, § 6(a). The main source of original jurisdiction for the courts of appeals is provided by § 22.221 of the Texas Government Code. See TEX. GOV’T CODE ANN. § 22.221; *In re Cook*, 394 S.W.3d 668, 671 (Tex. App.—Tyler 2012, orig. proceeding). In pertinent part, this section provides that an intermediate appellate court may issue writs of mandamus against specified judges in its district and “all other writs necessary to enforce the jurisdiction of the court.” TEX. GOV’T CODE ANN. § 22.221(a), (b).

The Court, having examined and fully considered the petition for writ of mandamus and the applicable law, is of the opinion that we lack jurisdiction to grant the requested relief. Relator does not seek relief against any judges in our district and his requested relief is not necessary to enforce our jurisdiction. See *id.*; see also *In re Hill*, No. 03-14-00798-CV, 2015 WL 134829, at *1 (Tex. App.—Austin Jan. 6, 2015, orig. proceeding) (mem. op.) (concluding that the court lacked jurisdiction over a petition for writ of mandamus filed against a state agency and its employees). Accordingly, we dismiss the petition for writ of mandamus for lack of jurisdiction.

JAIME TIJERINA
Justice

Delivered and filed on the
12th day of June, 2024.