

## Question

Is a direct petition for writ of mandamus to the Texas Supreme Court appropriate when the court of appeals lacks mandamus jurisdiction over a regional presiding judge in a recusal proceeding?

## Answer (Texas)

### Short response

A direct petition for writ of mandamus to the Texas Supreme Court is appropriate when the court of appeals lacks mandamus jurisdiction over a regional presiding judge in a recusal proceeding. Texas courts of appeals lack statutory authority to issue writs of mandamus against regional presiding judges, while the Texas Supreme Court has broad original mandamus jurisdiction over "any officer of state government" including regional presiding judges.

### Summary

When a party seeks mandamus relief against a regional presiding judge in a recusal proceeding, Texas courts of appeals lack jurisdiction to consider such petitions. Under Texas Government Code § 22.221, courts of appeals can only issue writs of mandamus against district or county court judges within their district or to enforce their own jurisdiction. Multiple Texas appellate courts have explicitly held that this jurisdictional grant does not extend to regional presiding judges, creating a jurisdictional gap that necessitates direct petition to the Texas Supreme Court.

The Texas Supreme Court possesses broad original mandamus jurisdiction under Texas Constitution Article V, § 3 and Texas Government Code § 22.002(a), which authorizes it to issue writs of mandamus against "any officer of state government" with limited exceptions. This broad jurisdictional authority encompasses regional presiding judges acting in recusal proceedings, making direct petition to the Supreme Court not only appropriate but necessary when a party seeks mandamus relief in such circumstances. While typically parties should first petition the court of appeals, this procedural step is unnecessary when the intermediate appellate court categorically lacks jurisdiction over the respondent.

## Background and Relevant Law

### Constitutional and Statutory Framework

The Texas Constitution establishes the foundation for the Texas Supreme Court's mandamus jurisdiction. Article V, Section 3 of the Texas Constitution provides that "The Supreme Court and the Justices thereof shall have power to issue writs of habeas corpus, as may be prescribed by law, and under such regulations as may be prescribed by law, the said courts and the Justices thereof may issue the writs of mandamus, procedendo, certiorari and such other writs, as may be necessary to enforce its jurisdiction." Importantly, the Constitution further states that "The Legislature may confer original jurisdiction on the Supreme Court to issue writs of quo warranto and mandamus in such cases as may be specified, except as against the Governor of the State." [Tex. Const. art. 5 § 3](#). This constitutional provision establishes both the Supreme Court's inherent power to issue writs necessary to enforce its jurisdiction and the Legislature's authority to expand that power.

The Texas Legislature has implemented this constitutional authority through statutes that define the mandamus jurisdiction of both the Supreme Court and the courts of appeals. Texas Government Code § 22.002(a) sets forth the Supreme Court's mandamus jurisdiction: "The supreme court or a justice of the supreme court may issue writs of procedendo and certiorari and all writs of quo warranto and mandamus agreeable to the principles of law regulating those writs, against a statutory county court judge, a statutory probate court judge, a district judge, a court of appeals or a justice of a court of appeals, or any officer of state government except the governor, the court of criminal appeals, or a judge of the court of criminal appeals." [Tex. Gov't. Code § 22.002](#).

In contrast, the courts of appeals have a more limited mandamus jurisdiction, as defined in Texas Government Code § 22.221: "Each court of appeals or a justice of a court of appeals may issue a writ of mandamus and all other writs necessary to enforce the jurisdiction of the court." The statute continues, "Subject to Subsection (c-1), each court of appeals for a court of appeals district may issue all writs of mandamus, agreeable to the principles of law regulating those writs, against a judge of a district, statutory county, statutory probate county, or county court in the court of appeals district." [Tex. Gov't. Code § 22.221](#).

These statutory provisions create a clear distinction between the mandamus jurisdiction of the Supreme Court and that of the courts of appeals. While the Supreme Court's mandamus authority extends broadly to "any officer of state government" (with specified exceptions), the courts of appeals' authority is limited to specific categories of judges within their districts and to writs necessary to enforce their jurisdiction.

### Case Law on Courts of Appeals' Mandamus Jurisdiction

Texas courts have consistently interpreted § 22.221 as limiting the mandamus jurisdiction of the courts of appeals. In [In re Cook, 394 S.W.3d 668 \(Tex. App. 2012\)](#), the court explicitly stated: "By statute, this court's mandamus authority is limited to writs necessary to enforce the jurisdiction of this court and writs against a judge of a district or county court in our district, or against a judge of a district court acting as a magistrate at a court of inquiry in our district. See Tex. Gov't Code Ann. § 22.221(a), (b) (West 2004). Therefore, we lack mandamus jurisdiction against a regional presiding judge." This clear statement directly addresses the question at hand, confirming that courts of appeals lack jurisdiction to issue writs of mandamus against regional presiding judges.

Similarly, in [In re Thompson, 330 S.W.3d 411 \(Tex. App. 2010\)](#), the court acknowledged that it had "no jurisdiction to issue a mandamus against the 'presiding judge of an administrative judicial region' because the legislature has not bestowed that power upon appellate courts." This reinforces the principle that courts of appeals cannot issue mandamus against regional presiding judges absent express legislative authorization.

The limitations on courts of appeals' mandamus jurisdiction have been consistently recognized across various contexts. In [In re Bayview Loan Servicing, LLC, 532 S.W.3d 510 \(Tex. App. 2017\)](#), the court explained: "As an intermediate appellate court, we only have original and appellate jurisdiction to the extent provided by law. TEX. CONST. art. V, § 6; [In re Meyer, 482 S.W.3d 706, 709](#) (Tex. App.—Texarkana 2016, orig. proceeding). By statute, our mandamus jurisdiction is limited, such that we may issue a writ of mandamus to enforce our own jurisdiction, and against a 'judge of a district or county court in [our] district.' TEX. GOV'T

CODE ANN. § 22.221(a), (b) (West 2004)." The court dismissed the mandamus petition for want of jurisdiction because the respondent did not fall within these categories.

[In re Lopez, 286 S.W.3d 408 \(Tex. App. 2008\)](#) further reinforces this jurisdictional limitation: "The government code does not grant a court of appeals the authority to issue a writ of mandamus against a regional presiding judge acting in his administrative capacity." This statement directly addresses regional presiding judges, confirming that courts of appeals lack jurisdiction over them.

The jurisdictional limitations of the courts of appeals have also been addressed in the context of other judicial officers. In [Easton v. Franks, 842 S.W.2d 772 \(Tex. App. 1992\)](#), the court explained: "Section 22.221(b) expressly limits this Court's jurisdiction to issuing writs 'against a judge of a district or county court in the court of appeals district.' The statute does not expressly authorize this Court to issue writs of mandamus against a justice of the peace." This illustrates the strict construction of § 22.221 and the courts' reluctance to expand their mandamus jurisdiction beyond the explicit statutory grant.

### **Texas Supreme Court's Mandamus Jurisdiction**

While courts of appeals have limited mandamus jurisdiction, the Texas Supreme Court possesses broad authority to issue writs of mandamus. In [In re Reece, 341 S.W.3d 360 \(Tex. 2011\)](#), the Supreme Court explained: "Unlike our habeas jurisdiction, our constitutional and statutory grant of mandamus jurisdiction is broad; this Court possesses general original jurisdiction to issue writs of mandamus. See Tex. Const. art. V, § 3(a) (granting the Court power to issue writs of mandamus as specified by the Legislature); [Tex. Gov't Code § 22.002](#)(a) (permitting the Court to issue writs of mandamus 'agreeable to the principles of law regulating those writs')."

[Deloitte & Touche, LLP v. Fourteenth Court of Appeals, 951 S.W.2d 394 \(Tex. 1997\)](#) further clarifies the distinction between the Supreme Court's original and appellate jurisdiction: "Our original jurisdiction for mandamus is not the equivalent of appellate jurisdiction. Compare [TEX. GOV'T CODE § 22.002](#) (defining the Supreme Court's original jurisdiction for mandamus) with [TEX. GOV'T CODE § 22.001](#) (defining the Supreme Court's appellate jurisdiction)." The court emphasized that "our mandamus jurisdiction extends to the courts of appeals," indicating the Supreme Court's broad original jurisdiction.

In [In re TXU Electric Co., 67 S.W.3d 130 \(Tex. 2001\)](#), the court reiterated its authority: "The supreme court or a justice of the supreme court may issue writs of procedendo and certiorari and all writs of quo warranto and mandamus agreeable to the principles of law regulating those writs, against a statutory county court judge, a statutory probate court judge, a district judge, a court of appeals or a justice of a court of appeals, or any officer of state government except the governor, the court of criminal appeals, or a judge of the court of criminal appeals." This broad jurisdiction encompasses regional presiding judges as "officers of state government."

The historical recognition of the Supreme Court's mandamus authority is also evident in [Ginsberg v. Fifth Court of Appeals, 686 S.W.2d 105 \(Tex. 1985\)](#), which stated: "Tex.Rev.Civ.Stat.Ann. art. 1733 authorizes this court to issue writs of mandamus to appellate courts as well as to other entities. Therefore, this court has jurisdiction to review the issuance of the writ of mandamus by the court of appeals, to determine if that issuance constituted a clear abuse of discretion." While referring to a now-recodified statute, this case confirms the Supreme Court's longstanding mandamus authority.

## **Analysis**

### **Courts of Appeals Lack Jurisdiction Over Regional Presiding Judges**

The statutory framework and case law clearly establish that Texas courts of appeals lack jurisdiction to issue writs of mandamus against regional presiding judges in recusal proceedings. Texas Government Code § 22.221 limits the mandamus jurisdiction of courts of appeals to: (1) writs necessary to enforce the court's jurisdiction, and (2) writs against judges of district, statutory county, statutory probate county, or county courts within the court's district. Regional presiding judges do not fall within these categories.

[In re Cook, 394 S.W.3d 668 \(Tex. App. 2012\)](#) directly addresses this issue, explicitly stating that courts of appeals "lack mandamus jurisdiction against a regional presiding judge." This unambiguous declaration leaves no doubt that courts of appeals cannot entertain mandamus petitions against regional presiding judges, regardless of the context, including recusal proceedings.

Multiple other cases reinforce this conclusion. [In re Lopez, 286 S.W.3d 408 \(Tex. App. 2008\)](#) specifically states that "the government code does not grant a court of appeals the authority to issue a writ of mandamus against a regional presiding judge acting in his administrative capacity." Similarly, [In re Thompson, 330 S.W.3d 411 \(Tex. App. 2010\)](#) confirms that appellate courts have "no jurisdiction to issue a mandamus against the 'presiding judge of an administrative judicial region'" because the legislature has not granted them that power.

These jurisdictional limitations create a situation where parties seeking mandamus relief against a regional presiding judge in a recusal proceeding have no recourse at the court of appeals level. The court of appeals simply lacks the statutory authority to issue the writ, regardless of the merits of the petition.

### **Texas Supreme Court's Broad Mandamus Jurisdiction Includes Regional Presiding Judges**

In contrast to the limited jurisdiction of the courts of appeals, the Texas Supreme Court possesses broad mandamus authority. Under Texas Government Code § 22.002(a), the Supreme Court may issue writs of mandamus against "any officer of state government" with specific exceptions (the governor, the court of criminal appeals, and judges of the court of criminal appeals). A regional presiding judge clearly qualifies as an "officer of state government" and does not fall within any of the enumerated exceptions.

[In re TXU Electric Co., 67 S.W.3d 130 \(Tex. 2001\)](#) confirms the Supreme Court's authority to issue writs of mandamus against various judicial officers and state government officials. While this case does not specifically mention regional presiding judges, it reaffirms the broad scope of the Supreme Court's mandamus jurisdiction, which includes "any officer of state government" with limited exceptions.

[In re Reece, 341 S.W.3d 360 \(Tex. 2011\)](#) further emphasizes the breadth of the Supreme Court's mandamus jurisdiction, describing it as "general original jurisdiction to issue writs of mandamus." The court noted that it possessed this authority under both the Texas Constitution and the Texas Government Code.

The combination of the statutory grant of jurisdiction over "any officer of state government" and the Supreme Court's description of its own jurisdiction as "broad" and "general" indicates that the Supreme Court has the authority to issue writs of mandamus against regional presiding judges, including in recusal proceedings.

## Direct Petition to the Texas Supreme Court

Given the court of appeals' lack of jurisdiction over regional presiding judges and the Supreme Court's broad mandamus authority, a direct petition for writ of mandamus to the Texas Supreme Court is appropriate in cases involving regional presiding judges in recusal proceedings.

However, there is a potential procedural consideration raised by [Perry v. Del Rio, 66 S.W.3d 239 \(Tex. 2001\)](#), where the Supreme Court "denied Weddington's petition for mandamus because she had not first presented it to the court of appeals." This suggests a general preference for parties to first seek relief from the court of appeals before petitioning the Supreme Court.

Nevertheless, this procedural requirement logically cannot apply when the court of appeals categorically lacks jurisdiction over the respondent, as is the case with regional presiding judges. Requiring a party to first petition a court that has no jurisdiction to grant relief would be a futile exercise and contrary to judicial economy.

The supplementary resource on "Petitions for Writ of Mandamus" supports this analysis, noting that "when review is desired before the entry of a final judgment, but none of the statutes authorizing an interlocutory appeal apply, appellate court review may be available by filing an original proceeding in a court of appeals or the Texas Supreme Court petitioning for the issuance of a writ." This indicates that petitioning either court is appropriate, depending on the circumstances.

## Standards for Mandamus Relief

While the jurisdictional question is the focus of the analysis, it's worth noting the general standards for mandamus relief. [In re State ex rel. Durden, 587 S.W.3d 78 \(Tex. App. 2019\)](#) explains: "Mandamus is an extraordinary remedy that will issue only to correct a clear abuse of discretion when there is no other adequate remedy at law." The court further noted that while orders denying recusal motions are typically reviewable only on appeal from final judgment, "mandamus review of an order denying a motion to recuse is available if the grounds for recusal are established as a matter of law."

This suggests that even if jurisdiction is established, a party seeking mandamus relief in a recusal proceeding must still demonstrate that: (1) the regional presiding judge clearly abused their discretion, and (2) there is no adequate remedy by appeal. In the specific context of recusal proceedings, mandamus may be available if the grounds for recusal are established as a matter of law.

## Exceptions and Caveats

### Procedural Requirements

While a direct petition to the Texas Supreme Court is appropriate when the court of appeals lacks jurisdiction, litigants should be aware of potential procedural requirements. As noted in [Perry v. Del Rio, 66 S.W.3d 239 \(Tex. 2001\)](#), the Supreme Court may have a general preference for parties to first seek relief from the court of appeals before petitioning the Supreme Court.

However, this preference likely does not apply when the court of appeals categorically lacks jurisdiction over the respondent, as is the case with regional presiding judges. Requiring a party to first petition a court that has no jurisdiction would serve no practical purpose. Nevertheless, litigants may wish to acknowledge this issue in their petition to the Supreme Court, explaining why they are bypassing the court of appeals.

### Distinguishing Administrative and Judicial Functions

The cases reviewed specifically address regional presiding judges acting in their administrative capacity, which would include handling recusal motions. [In re Lopez, 286 S.W.3d 408 \(Tex. App. 2008\)](#) explicitly refers to "a regional presiding judge acting in his administrative capacity." This suggests that the jurisdictional analysis might differ if a regional presiding judge were acting in a non-administrative judicial capacity. However, recusal proceedings are typically considered administrative matters, so this distinction is unlikely to affect the jurisdictional analysis in the context of recusal proceedings.

### Criminal vs. Civil Matters

Some of the cases cited address the distinction between civil and criminal matters, which could potentially affect the jurisdictional analysis. [State ex rel. Holmes v. Honorable Court of Appeals for Third Dist., 885 S.W.2d 389 \(Tex. Crim. App. 1994\)](#) discusses jurisdictional boundaries between the Texas Supreme Court and the Court of Criminal Appeals. However, the statutory grant of mandamus jurisdiction to the Texas Supreme Court over "any officer of state government" (with specific exceptions) applies regardless of whether the underlying matter is civil or criminal, as long as it does not involve the Court of Criminal Appeals or its judges.

## Conclusion

Based on the statutory framework and case law, a direct petition for writ of mandamus to the Texas Supreme Court is appropriate when the court of appeals lacks mandamus jurisdiction over a regional presiding judge in a recusal proceeding. The Texas Government Code § 22.221 limits the mandamus jurisdiction of courts of appeals to specific categories of judges that do not include regional presiding judges, and multiple cases have explicitly held that courts of appeals lack jurisdiction over regional presiding judges.

In contrast, the Texas Supreme Court possesses broad mandamus jurisdiction under Texas Constitution Article V, § 3 and Texas Government Code § 22.002(a), which extends to "any officer of state government" with limited exceptions. This broad jurisdictional grant encompasses regional presiding judges acting in recusal proceedings.

While there may be a general preference for parties to first seek relief from the court of appeals before petitioning the Supreme Court, this procedural step is unnecessary and would be futile when the court of appeals categorically lacks jurisdiction over the respondent. Therefore, when seeking mandamus relief against a regional presiding judge in a recusal proceeding, a direct petition to the Texas Supreme Court is not only appropriate but necessary to obtain the requested relief.

Parties pursuing such relief should be prepared to meet the general standards for mandamus, demonstrating a clear abuse of discretion by the regional presiding judge and the absence of an adequate remedy by appeal. In the specific context of recusal proceedings, they may need to show that the grounds for recusal are established as a matter of law, as suggested by [In re State ex rel. Durden, 587 S.W.3d 78 \(Tex. App. 2019\)](#).

## Legal Authorities

[Deloitte & Touche, LLP v. Fourteenth Court of Appeals, 951 S.W.2d 394 \(Tex. 1997\)](#)

### Texas Supreme Court

#### Extract

*Our original jurisdiction for mandamus is not the equivalent of appellate jurisdiction. Compare TEX. GOV'T CODE § 22.002 (defining the Supreme Court's original jurisdiction for mandamus) with TEX. GOV'T CODE § 22.001 (defining the Supreme Court's appellate jurisdiction). The Texas Constitution permits the Legislature to confer original jurisdiction on the Supreme Court to issue writs of mandamus. TEX. CONST. art. 5, § 3. The Legislature has defined this Court's mandamus jurisdiction as follows: The supreme court or a justice of the supreme court may issue writs of procedendo and certiorari and all writs of quo warranto and mandamus agreeable to the principles of law regulating those writs, against a statutory county court judge, a statutory probate court judge, a district judge, a court of appeals or a justice of a court of appeals, or any officer of state government except the governor, the court of criminal appeals, or a judge of the court of criminal appeals. TEX. GOV'T CODE § 22.002(a) (emphasis added). Thus, our mandamus jurisdiction extends to the courts of appeals.*

#### Summary

The Texas Supreme Court has original jurisdiction to issue writs of mandamus against certain judicial officers and entities, including courts of appeals. This suggests that the Supreme Court can exercise mandamus jurisdiction even if the court of appeals lacks jurisdiction, as long as the case falls within the defined scope of the Supreme Court's mandamus authority.

[Perkins v. Court of Appeals for Third Supreme Judicial Dist. of Texas, at Austin, 738 S.W.2d 276 \(Tex. Crim. App. 1987\)](#)

### Texas Court of Criminal Appeals

#### Extract

*The court of appeals, in holding that 'under Tex.Gov.Code § 22.221(b), the courts of appeals have mandamus jurisdiction virtually identical to that of the Supreme Court and the Court of Criminal Appeals [in criminal law matters]' was prescient as to what this Court would eventually hold when it decided the question whether the courts of appeals, in criminal cases, had authority to issue writs of mandamus. In Dickens v. Second Court of Appeals, 727 S.W.2d 542 (Tex.Cr.App.1987), a majority of this Court held that 'courts of appeals, pursuant to § 22.221(b) [of the Government Code], have mandamus jurisdiction over criminal law matters concurrent with the mandamus jurisdiction of this Court.'*

#### Summary

The courts of appeals in Texas have mandamus jurisdiction over criminal law matters that is concurrent with the jurisdiction of the Texas Supreme Court and the Court of Criminal Appeals. This suggests that if a court of appeals lacks jurisdiction over a particular matter, such as a recusal proceeding involving a regional presiding judge, it may not be appropriate to directly petition the Texas Supreme Court for a writ of mandamus unless the matter falls within the concurrent jurisdiction. The passage does not directly address the specific scenario of a recusal proceeding, but it provides insight into the general jurisdictional framework.

[Johnson v. Tenth Jud. Dist. Ct of Appeals, 280 S.W.3d 866 \(Tex. Crim. App. 2008\)](#)

### Texas Court of Criminal Appeals

#### Extract

*We note that '[t]he Legislature may confer original jurisdiction on the Supreme Court to issue writs of ... mandamus in such cases as may be specified, except against the Governor of the State.' TEX. CONST. art. V, § 3(a). And under the Government Code, the Supreme Court is expressly authorized to issue writs of mandamus against a court of appeals, 'agreeable to the principles of law regulating those writs[.]' TEX. GOV'T CODE, § 22.002(a).*

#### Summary

The Texas Supreme Court has the authority to issue writs of mandamus in cases specified by the Legislature, except against the Governor. This suggests that the Supreme Court can have original jurisdiction in certain mandamus proceedings, potentially including those where the court of appeals lacks jurisdiction.

## Texas Court of Appeals

### Extract

*Specifically, the court decided that it had no jurisdiction to issue a mandamus against the 'presiding judge of an administrative judicial region' because the legislature has not bestowed that power upon appellate courts. Id. at 154.*

### Summary

Appellate courts in Texas do not have jurisdiction to issue writs of mandamus against a presiding judge of an administrative judicial region unless the legislature has explicitly granted such power. This suggests that if the court of appeals lacks jurisdiction, a direct petition to the Texas Supreme Court might be necessary, as the appellate court cannot provide the relief sought.

[Dickens v. Court of Appeals For Second Supreme Judicial Dist. of Texas, 727 S.W.2d 542 \(Tex. Crim. App. 1987\)](#)

## Texas Court of Criminal Appeals

### Extract

*The Supreme Court of Texas has adopted the clear abuse of discretion standard for reviewing the mandamus action of a court of appeals in civil cases. Ginsberg v. Second Court of Appeals, 686 S.W.2d 105, 107 (Tex.1985). Discarding the traditional requirement that a ministerial act be the focal point of the trial court's action before mandamus may issue, the Court held that it had 'jurisdiction to review the issuance of the writ of mandamus by the court of appeals, to determine if that issuance constituted a clear abuse of discretion.'*

### Summary

The Texas Supreme Court has jurisdiction to review the issuance of writs of mandamus by the court of appeals to determine if there was a clear abuse of discretion. This suggests that the Texas Supreme Court can directly review mandamus actions from the court of appeals, especially when there is a question of jurisdiction or abuse of discretion. This is relevant to the question of whether a direct petition to the Texas Supreme Court is appropriate when the court of appeals lacks jurisdiction.

[Union Pacific Resources Co., In re, 969 S.W.2d 427 \(Tex. 1998\)](#)

## Texas Supreme Court

### Extract

*The court of appeals abused its discretion by issuing writ of mandamus when the complaining party has an adequate remedy by appeal. See TEX.R. CIV. P. 18a(f); see also Thomas v. Walker, 860 S.W.2d at 581. We therefore conditionally grant the petition for writ of mandamus and direct the court of appeals to withdraw its order conditionally granting writ of mandamus against the trial court. TEX. GOV'T CODE § 22.002(a).*

### Summary

The Texas Supreme Court found that the court of appeals abused its discretion by issuing a writ of mandamus when there was an adequate remedy by appeal. This suggests that a direct petition for writ of mandamus to the Texas Supreme Court may not be appropriate if there is an adequate remedy by appeal, even if the court of appeals lacks jurisdiction over a regional presiding judge in a recusal proceeding.

[State ex rel. Holmes v. Honorable Court of Appeals for Third Dist., 885 S.W.2d 389 \(Tex. Crim. App. 1994\)](#)

## Texas Court of Criminal Appeals

### Extract

*Moreover, the possibility that Graham's case might pass its entire appellate lifespan in 'the civil courts' is an equally transparent bit of fiction. In the first place, the Third Court of Appeals is not a civil court. As already noted, its jurisdiction extends both to civil and to criminal cases. Thus, the only 'civil court' to which an appeal of Graham's case might finally come is the Supreme Court of Texas. Yet, because a majority of this Court seems convinced that the case involves criminal law matters, it conversely must be convinced that the Supreme Court lacks jurisdiction of it. Accordingly, the majority's own process of reasoning makes it clear that Graham's case must either come to this Court eventually or expire in the Third Court of Appeals.*

### Summary

Jurisdictional boundaries between the Texas Supreme Court and the Court of Criminal Appeals, particularly in cases that may involve both civil and criminal law matters. It highlights the complexity of determining jurisdiction when a case could potentially be seen as involving criminal law, which would typically fall outside the Texas Supreme Court's jurisdiction. This is relevant to the question of whether a direct petition for writ of mandamus to the Texas Supreme Court is

appropriate, as it underscores the importance of correctly identifying the nature of the case (civil vs. criminal) to determine the appropriate court for mandamus relief.

[In re Txu Electric Co., 67 S.W.3d 130 \(Tex. 2001\)](#)

#### **Texas Supreme Court**

##### **Extract**

*The supreme court or a justice of the supreme court may issue writs of procedendo and certiorari and all writs of quo warranto and mandamus agreeable to the principles of law regulating those writs, against a statutory county court judge, a statutory probate court judge, a district judge, a court of appeals or a justice of a court of appeals, or any officer of state government except the governor, the court of criminal appeals, or a judge of the court of criminal appeals.*

##### **Summary**

The Texas Supreme Court has the authority to issue writs of mandamus against certain judicial officers and state government officers, excluding specific high-level positions such as the governor and judges of the court of criminal appeals. This suggests that if a regional presiding judge in a recusal proceeding falls under the category of "any officer of state government" or similar judicial officers, the Texas Supreme Court may have jurisdiction to issue a writ of mandamus directly.

[In re Prudential Ins. Co. of America, 148 S.W.3d 124 \(Tex. 2003\)](#)

#### **Texas Supreme Court**

##### **Extract**

*Under the second prong, the Court concludes that we must grant mandamus relief here because 'the trial court's denial of Prudential's contractual right to have the Secchis waive a jury [cannot] be rectified on appeal.' 148 S.W.3d at 138. I, of course, agree that an appellate remedy is inadequate if it comes too late to cure the trial court's error. Walker, 827 S.W.2d at 843. As we have said, a party establishes that its appellate remedy is inadequate by showing that it is in real danger of permanently losing its substantial rights. Perry v. Del Rio, 66 S.W.3d 239, 257 (Tex.2001); Walker, 827 S.W.2d at 842; Canadian Helicopters, Ltd. v. Wittig, 876 S.W.2d 304, 306 (Tex.1994).*

##### **Summary**

Conditions under which mandamus relief is appropriate, specifically when an appellate remedy is inadequate. This is relevant to the question of whether a direct petition for writ of mandamus to the Texas Supreme Court is appropriate when the court of appeals lacks jurisdiction, as it highlights the circumstances under which the Texas Supreme Court may consider granting mandamus relief.

[In re Txu Elec. Co., 67 S.W.3d 130 \(Tex. 2001\)](#)

#### **Texas Supreme Court**

##### **Extract**

*The supreme court or a justice of the supreme court may issue writs of procedendo and certiorari and all writ of quo warranto and mandamus agreeable to the principles of law regulating those writs, against a district judge, a court of appeals or a justice of a court of appeals, or any officer of state government except the governor, the court of criminal appeals, or a judge of the court of criminal appeals. Tex. Gov't Code § 22.002(a).*

##### **Summary**

The passage from the Texas Government Code § 22.002(a) indicates that the Texas Supreme Court has the authority to issue writs of mandamus against certain judicial officers and state officers, excluding specific high-level positions such as the governor and judges of the court of criminal appeals. This suggests that if a regional presiding judge in a recusal proceeding is considered an "officer of state government," the Texas Supreme Court may have jurisdiction to issue a writ of mandamus directly.

[In re Reece, 341 S.W.3d 360, 54 Tex. Sup. Ct. J. 1031 \(Tex. 2011\)](#)

#### **Texas Supreme Court**

##### **Extract**

*Unlike our habeas jurisdiction, our constitutional and statutory grant of mandamus jurisdiction is broad; this Court possesses general original jurisdiction to issue writs of mandamus. See Tex. Const. art. V, § 3(a) (granting the Court power to issue writs of mandamus as specified by the Legislature); Tex. Gov't Code § 22.002(a) (permitting the Court to issue writs of mandamus 'agreeable to the principles of law regulating those writs'). Because we ascertain nothing in the*

statutory grant of our mandamus jurisdiction precluding us from granting relief here, and further determine the circumstances of this case warrant the exercise of our mandamus jurisdiction, we conclude mandamus is an appropriate remedy for Reece's unlawful confinement.

## Summary

The Texas Supreme Court has broad constitutional and statutory authority to issue writs of mandamus. The court found no statutory limitations preventing it from granting relief in the case of Reece, suggesting that a direct petition for writ of mandamus to the Texas Supreme Court is appropriate when the court of appeals lacks jurisdiction, as long as the circumstances warrant such an exercise of jurisdiction.

[In re Warren, NUMBER 13-18-00548-CR \(Tex. App. Oct 03, 2018\)](#)

## Texas Court of Appeals

### Extract

*Article V, Section 6 of the Texas Constitution specifies 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. This Court's original jurisdiction is governed by section 22.221 of the Texas Government Code. See TEX. GOV'T CODE ANN. § 22.221 (West, Westlaw through 2017 1st C.S.); see also In re Cook, 394 S.W.3d 668, 671 (Tex. App.—Tyler 2012, orig. proceeding). In pertinent part, section 22.221 provides that we may issue writs of mandamus and 'all other writs necessary to enforce the jurisdiction of the court.' See TEX. GOV'T CODE ANN. § 22.221(a). This section also provides that we may issue writs of mandamus against 'a judge of a district or county court in the court of appeals' district,' or against a judge of a district court who is acting as a magistrate at a court of inquiry in the court of appeals' district. See id. § 22.221(b).*

## Summary

Jurisdictional limits of the Texas courts of appeals concerning writs of mandamus. It specifies that the courts of appeals can issue writs of mandamus against judges of district or county courts within their district or against a district court judge acting as a magistrate at a court of inquiry within their district. This implies that if a regional presiding judge in a recusal proceeding does not fall within these categories, the court of appeals may lack jurisdiction to issue a writ of mandamus. Consequently, if the court of appeals lacks jurisdiction, a direct petition to the Texas Supreme Court might be appropriate.

[In re Wilkins, No. 11-20-00049-CR \(Tex. App. Feb 21, 2020\)](#)

## Texas Court of Appeals

### Extract

*Article V, section 6 of the Texas Constitution, which delineates the appellate jurisdiction of the intermediate courts of appeals, provides that the courts of appeals have original jurisdiction as prescribed by law. TEX. CONST. art. V, § 6. Section 22.221(a) of the Government Code authorizes this court to issue a writ of mandamus in order to enforce our jurisdiction. TEX. GOV'T CODE ANN. § 22.221(a) (West Supp. 2019). We may also issue a writ of mandamus against 'a judge of a district, statutory county, statutory probate county, or county court'; 'a judge of a district court who is acting as a magistrate at a court of inquiry'; or 'an associate judge of a district or county court appointed by a judge under Chapter 201, Family Code,' so long as those judges are in our district. Id. § 22.221(b).*

## Summary

Jurisdictional limits of the Texas courts of appeals concerning issuing writs of mandamus. It specifies that the courts of appeals can issue such writs to enforce their jurisdiction and against certain judges within their district. However, it does not mention regional presiding judges or recusal proceedings, which suggests that the courts of appeals may not have jurisdiction in such cases. This implies that if the court of appeals lacks jurisdiction, a direct petition to the Texas Supreme Court might be necessary.

[In re Morales](#)

## Texas Court of Appeals

### Extract

*The main source of original jurisdiction for the courts of appeals is provided by § 22.221 of the Texas Government Code. ... 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.' ... The Court, having examined and fully considered the petition for writ of mandamus, is of the opinion that we lack jurisdiction over this original proceeding. Relator seeks mandamus relief against the judge of the 390th District Court of Travis County. However, Travis County is not located within the geographic district for the Thirteenth Court of Appeals and is instead located within the geographic district for the Third Court of Appeals. ... Thus, we lack jurisdiction to issue a writ against the judge of the 390th District Court of Travis County.*

## Summary

The passage explains that the Texas Government Code § 22.221 provides the jurisdictional basis for appellate courts to issue writs of mandamus. It specifies that appellate courts can issue such writs against judges within their geographic district. The passage illustrates a situation where the Thirteenth Court of Appeals lacked jurisdiction to issue a writ of mandamus because the judge in question was outside its geographic district. This implies that when an appellate court lacks jurisdiction, a direct petition to a higher court, such as the Texas Supreme Court, may be necessary.

[In re Wilkins, No. 11-20-00157-CR \(Tex. App. Jul 16, 2020\)](#)

## **Texas Court of Appeals**

### **Extract**

*Relator's petition 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. Easton v. Franks, 842 S.W.2d 772, 773 (Tex. App.—Houston [1st Dist.] 1992, orig. proceeding) (per curiam); see also In re Garcia, No. 13-18-00651-CV, 2018 WL 6219254, at \*2 (Tex. App.—Corpus Christi-Edinburg Nov. 28, 2018, orig. proceeding) (mem. op.). Further, Relator's petition does not demonstrate that the relief that he requests is necessary to enforce our appellate jurisdiction.*

### **Summary**

The Texas Court of Appeals does not have jurisdiction to issue a writ of mandamus against a justice of the peace unless it is necessary to enforce the court's appellate jurisdiction. This suggests that if the court of appeals lacks jurisdiction, a direct petition to a higher court, such as the Texas Supreme Court, might be considered, especially if the issue involves a regional presiding judge in a recusal proceeding.

[In re Scott, No. 11-21-00012-CR, No. 11-21-00013-CR \(Tex. App. Jan 29, 2021\)](#)

## **Texas Court of Appeals**

### **Extract**

*This court's mandamus jurisdiction is governed by Section 22.221 of the Texas Government Code. See TEX. GOV'T CODE ANN. § 22.221 (West Supp. 2020). Section 22.221 expressly limits the mandamus jurisdiction of the courts of appeals to (1) writs against a judge of a district or county court in the court of appeals' district, (2) writs against a district judge acting as a magistrate in a court of inquiry in the court of appeals' district, and (3) writs necessary to enforce the court of appeals' jurisdiction. Id. We have no authority to issue a writ of mandamus against a municipal court judge or a municipal court clerk unless it is necessary to enforce our jurisdiction.*

### **Summary**

Specific jurisdictional limits of the Texas courts of appeals concerning writs of mandamus. It indicates that the courts of appeals do not have jurisdiction to issue writs of mandamus against municipal court judges or clerks unless it is necessary to enforce their jurisdiction. This implies that if the court of appeals lacks jurisdiction, a direct petition to the Texas Supreme Court might be considered, as the court of appeals cannot act outside its jurisdictional boundaries.

[In re Rodriguez, NUMBER 13-21-00003-CV \(Tex. App. Jan 08, 2021\)](#)

## **Texas Court of Appeals**

### **Extract**

*Article V, Section 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); see In re Bayview Loan Servicing, LLC, 532 S.W.3d 510, 511 (Tex. App.—Texarkana 2017, orig. proceeding). This Court's original jurisdiction is governed by § 22.221 of the Texas Government Code. See TEX. GOV'T CODE ANN. § 22.221; see also In re Cook, 394 S.W.3d 668, 671 (Tex. App.—Tyler 2012, orig. proceeding). In pertinent part, this section provides that we may issue writs of mandamus and 'all other writs necessary to enforce the jurisdiction of the court.' TEX. GOV'T CODE ANN. § 22.221(a). This section also provides that we may issue writs of mandamus against: (1) a judge of a district, statutory county, statutory probate county, or county court in the court of appeals district; (2) a judge of a district court who is acting as a magistrate at a court of inquiry under Chapter 52 of the Code of Criminal Procedure in the court of appeals district; or (3) an associate judge of a district or county court appointed by a judge under Chapter 201 of the Family Code in the court of appeals district for the judge who appointed the associate judge. See id. § 22.221(b).*

### **Summary**

Jurisdictional limits of the Texas courts of appeals concerning writs of mandamus, specifically under § 22.221 of the Texas Government Code. It clarifies that the courts of appeals can issue writs of mandamus against certain judges within their district but does not extend this jurisdiction to regional presiding judges outside their district. This implies that if a court of appeals lacks jurisdiction over a regional presiding judge, a direct petition to the Texas Supreme Court might be necessary.

[In re Lopez, 286 S.W.3d 408 \(Tex. App. 2008\)](#)

## Texas Court of Appeals

### Extract

*The government code does not grant a court of appeals the authority to issue a writ of mandamus against a regional presiding judge acting in his administrative capacity. See id.; Torres, 130 S.W.3d at 414; Hettler, 110 S.W.3d at 155.*

### Summary

The Texas Government Code does not provide courts of appeals with the authority to issue writs of mandamus against regional presiding judges when they are acting in their administrative capacity. This suggests that if a court of appeals lacks jurisdiction in such cases, a direct petition to the Texas Supreme Court may be appropriate, as the court of appeals cannot provide the necessary relief.

[In re Garcia, NUMBER 13-18-00651-CV \(Tex. App. Nov 28, 2018\)](#)

## Texas Court of Appeals

### Extract

*Relators' petition seeks mandamus relief against a justice of the peace. This Court does not have jurisdiction to issue a writ of mandamus against a justice of the peace. See id.; In re Meyer, 482 S.W.3d 706, 709 (Tex. App.—Texarkana 2016, orig. proceeding); In re Smith, 355 S.W.3d 901, 901 (Tex. App.—Amarillo 2011, orig. proceeding) (per curiam); Easton v. Franks, 842 S.W.2d 772, 773-74 (Tex. App.—Houston [1st Dist.] 1992, orig. proceeding) (per curiam). Further, relators have not demonstrated that the requested relief is necessary to enforce our jurisdiction.*

### Summary

The Texas Court of Appeals does not have jurisdiction to issue a writ of mandamus against a justice of the peace. This suggests that if a court of appeals lacks jurisdiction over a particular judicial officer, such as a regional presiding judge in a recusal proceeding, it may not be able to issue a writ of mandamus. This implies that a direct petition to a higher court, such as the Texas Supreme Court, might be necessary if the lower appellate court lacks jurisdiction.

[In re State ex rel. Durden, 587 S.W.3d 78 \(Tex. App. 2019\)](#)

## Texas Court of Appeals

### Extract

*Mandamus is an extraordinary remedy that will issue only to correct a clear abuse of discretion when there is no other adequate remedy at law. In re Sw. Bell Tel. Co., L.P., 235 S.W.3d 619, 623 (Tex. 2007) (orig. proceeding). 'A trial court has no 'discretion' in determining what the law is or applying the law to the facts. Thus, a clear failure by the trial court to analyze or apply the law correctly will constitute an abuse of discretion, and may result in appellate reversal by extraordinary writ.' Walker v. Packer, 827 S.W.2d 833, 840 (Tex. 1992) (orig. proceeding). 'An order denying a motion to recuse may be reviewed only for abuse of discretion on appeal from the final judgment.' TEX. R. CIV. P. 18a(j)(1)(A). However, mandamus review of an order denying a motion to recuse is available if the grounds for recusal are established as a matter of law. See De Leon v. Aguilar, 127 S.W.3d 1, 6-7 (Tex. Crim. App. 2004) (orig. proceeding) (holding general rule that party has adequate remedy by appeal from recusal order does not apply when respondent's bias is established as a matter of law).*

### Summary

Conditions under which a mandamus petition is appropriate, specifically in the context of recusal proceedings. It highlights that mandamus is an extraordinary remedy used to correct a clear abuse of discretion when no other adequate remedy exists. It also notes that while orders denying recusal are typically reviewed on appeal, mandamus is available if recusal grounds are established as a matter of law. This implies that if the court of appeals lacks jurisdiction, a direct petition to the Texas Supreme Court might be appropriate under these conditions.

[Easton v. Franks, 842 S.W.2d 772 \(Tex. App. 1992\)](#)

## Texas Court of Appeals

### Extract

*Section 22.221(a), (b) of the Texas Government Code governs the Court of Appeals' jurisdiction to issue writs of mandamus: (a) Each court of appeals ... may issue a writ of mandamus and all other writs necessary to enforce the jurisdiction of the court. (b) Each court of appeals for a court of appeals district may issue all writs of mandamus, agreeable to the principles of law regulating those writs, against a judge of a district or county court in the court of appeals district. TEX.GOV" T CODE ANN. § 22.221(a), (b) (Vernon 1988) (emphasis added). This Court's power to issue a writ of mandamus under section 22.221(a) is not an issue because relator does not contend that the respondent has interfered with this Court's jurisdiction. The question is whether we may issue a writ of mandamus under section 22.221(b) to a justice of the peace. We hold that we may not. First, section 22.221(b) expressly limits this Court's jurisdiction to issuing writs 'against a judge of a district or county court in the court of appeals district.' The statute does not expressly authorize this Court to issue writs of mandamus against a justice of the peace.*

## Summary

The Texas Court of Appeals does not have jurisdiction to issue writs of mandamus against a justice of the peace, as its jurisdiction is limited to judges of district or county courts within its district. This implies that if a court of appeals lacks jurisdiction over a particular judge, such as a regional presiding judge in a recusal proceeding, a direct petition to a higher court, like the Texas Supreme Court, may be necessary.

[In re Smith, 355 S.W.3d 901 \(Tex. App. 2011\)](#)

## Texas Court of Appeals

### Extract

*Section 22.221 of the Texas Government Code authorizes a court of appeals to issue writs of mandamus necessary to enforce its jurisdiction or against a judge of a district or county court in the court of appeals' district. Tex. Gov't Code Ann. § 22.221(a),(b) (West 2004). Here, relators do not argue nor have they shown that the relief their petition seeks is necessary to enforce our jurisdiction. And we lack independent authority to issue a writ of mandamus against a justice of the peace.*

### Summary

The Texas courts of appeals have limited jurisdiction to issue writs of mandamus, specifically only when necessary to enforce their jurisdiction or against certain judges within their district. The passage also clarifies that the court of appeals lacks independent authority to issue a writ of mandamus against a justice of the peace, which implies a limitation in their jurisdiction over certain judicial officers.

[Ginsberg v. Fifth Court of Appeals, 686 S.W.2d 105 \(Tex. 1985\)](#)

## Texas Supreme Court

### Extract

*The proceeding in this court is an original mandamus proceeding. Tex.Rev.Civ.Stat.Ann. art. 1733 authorizes this court to issue writs of mandamus to appellate courts as well as to other entities. Therefore, this court has jurisdiction to review the issuance of the writ of mandamus by the court of appeals, to determine if that issuance constituted a clear abuse of discretion.*

### Summary

The Texas Supreme Court has the authority to issue writs of mandamus to appellate courts and other entities, as per Tex.Rev.Civ.Stat.Ann. art. 1733. This suggests that the Texas Supreme Court can directly address issues where a lower court, such as a court of appeals, may lack jurisdiction, including in cases involving regional presiding judges in recusal proceedings.

[In re Bayview Loan Servicing, LLC, 532 S.W.3d 510 \(Tex. App. 2017\)](#)

## Texas Court of Appeals

### Extract

*Because we do not have jurisdiction to issue a writ of mandamus against the respondent in this case, we dismiss Bayview's request for mandamus relief for want of jurisdiction. As an intermediate appellate court, we only have original and appellate jurisdiction to the extent provided by law. TEX. CONST. art. V, § 6 ; In re Meyer, 482 S.W.3d 706, 709 (Tex. App.—Texarkana 2016, orig. proceeding). By statute, our mandamus jurisdiction is limited, such that we may issue a writ of mandamus to enforce our own jurisdiction, and against a 'judge of a district or county court in [our] district.' TEX. GOV'T CODE ANN. § 22.221(a), (b) (West 2004).*

### Summary

The Texas Court of Appeals has limited jurisdiction to issue writs of mandamus, specifically against judges of district or county courts within their district, and only to enforce their own jurisdiction. This implies that if the court of appeals lacks jurisdiction over a particular judge, such as a regional presiding judge in a recusal proceeding, a direct petition to the Texas Supreme Court may be appropriate, as the Supreme Court has broader mandamus jurisdiction.

[In re Cook, 394 S.W.3d 668 \(Tex. App. 2012\)](#)

## Texas Court of Appeals

### Extract

*By statute, this court's mandamus authority is limited to writs necessary to enforce the jurisdiction of this court and writs against a judge of a district or county court in our district, or against a judge of a district court acting as a magistrate at a court of inquiry in our district. See Tex. Gov't Code Ann. § 22.221(a), (b) (West 2004). Therefore, we lack mandamus jurisdiction against a regional presiding judge.*

## Summary

The Texas Court of Appeals does not have mandamus jurisdiction over a regional presiding judge. This implies that if a party seeks a writ of mandamus against a regional presiding judge, the court of appeals is not the appropriate venue. This lack of jurisdiction suggests that a direct petition to the Texas Supreme Court might be necessary if the issue involves a regional presiding judge, as the court of appeals cannot provide the relief sought.

[In re Meyer, 482 S.W.3d 706 \(Tex. App. 2016\)](#)

## Texas Court of Appeals

### Extract

*Under the limited mandamus jurisdiction provided this Court by law, we may issue a writ of mandamus only against a 'judge of a district or county court in [our] district.' See TEX. GOV'T CODE ANN. § 22.221(b) (West 2004). ... A court of appeals may issue a writ of mandamus to other parties when 'necessary to enforce the jurisdiction of' that Court. Tex. Gov't Code Ann. § 22.221(a) (West 2004). Because this case does not involve the issuance of a writ of mandamus to 'enforce the jurisdiction of' this Court, our decision in this case is limited to our power to issue a writ of mandamus under Section 22.221(b).*

## Summary

Texas intermediate appellate courts have limited mandamus jurisdiction, specifically over judges of district or county courts within their district, as per TEX. GOV'T CODE ANN. § 22.221(b). Additionally, they can issue writs of mandamus to enforce their jurisdiction under § 22.221(a). However, the passage indicates that the court's decision is limited to its power under Section 22.221(b), suggesting that if a court of appeals lacks jurisdiction over a particular judge, such as a regional presiding judge, it cannot issue a writ of mandamus. This implies that if the court of appeals lacks jurisdiction, a direct petition to the Texas Supreme Court might be necessary.

[Perry v. Del Rio, 66 S.W.3d 239, 44 Tex. Sup. Ct. J. 1147 \(Tex. 2001\)](#)

## Texas Supreme Court

### Extract

*Defendant Weddington, believing that she was not entitled to appeal, petitioned this Court for review by mandamus. We denied Weddington's petition for mandamus because she had not first presented it to the court of appeals.*

## Summary

The Texas Supreme Court denied a petition for mandamus because the petitioner had not first presented the issue to the court of appeals. This suggests that, generally, a direct petition for writ of mandamus to the Texas Supreme Court is not appropriate if the petitioner has not first sought relief from the court of appeals, even if the court of appeals lacks jurisdiction. The procedural requirement to first approach the court of appeals is emphasized.

[Tex. Const. art. 5 § 3 Tex. Const. art. 5 § 3 Jurisdiction of Supreme Court; Writs; Clerk](#)

### Extract

*The Supreme Court and the Justices thereof shall have power to issue writs of habeas corpus, as may be prescribed by law, and under such regulations as may be prescribed by law, the said courts and the Justices thereof may issue the writs of mandamus, procedendo, certiorari and such other writs, as may be necessary to enforce its jurisdiction. The Legislature may confer original jurisdiction on the Supreme Court to issue writs of quo warranto and mandamus in such cases as may be specified, except as against the Governor of the State.*

## Summary

The Texas Supreme Court has the power to issue writs of mandamus as necessary to enforce its jurisdiction. Additionally, the Legislature may confer original jurisdiction on the Supreme Court to issue writs of mandamus in specified cases. This suggests that if the court of appeals lacks jurisdiction, the Texas Supreme Court may have the authority to directly issue a writ of mandamus, provided it is necessary to enforce its jurisdiction and is within the scope specified by the Legislature.

[Tex. Gov't. Code § 22.221 Tex. Gov't. Code § 22.221 Writ Power](#)

### Extract

*Each court of appeals or a justice of a court of appeals may issue a writ of mandamus and all other writs necessary to enforce the jurisdiction of the court. Subject to Subsection (c-1), each court of appeals for a court of appeals district may issue all writs of mandamus, agreeable to the principles of law regulating those writs, against a judge of a district, statutory county, statutory probate county, or county court in the court of appeals district.*

## Summary

Jurisdiction of the courts of appeals in Texas to issue writs of mandamus. It specifies that courts of appeals can issue writs against judges of district, statutory county, statutory probate county, or county courts within their district. However, it does not mention regional presiding judges or recusal proceedings, which suggests that the courts of appeals may not have jurisdiction in such cases. This implies that if the court of appeals lacks jurisdiction, a direct petition to the Texas Supreme Court might be appropriate.

[Tex. Gov't. Code § 22.002](#) [Tex. Gov't. Code § 22.002 Writ Power](#)

## Extract

*The supreme court or a justice of the supreme court may issue writs of procedendo and certiorari and all writs of quo warranto and mandamus agreeable to the principles of law regulating those writs, against a statutory county court judge, a statutory probate court judge, a district judge, a court of appeals or a justice of a court of appeals, or any officer of state government except the governor, the court of criminal appeals, or a judge of the court of criminal appeals.*

## Summary

The Texas Supreme Court has the authority to issue writs of mandamus against various judicial officers and entities, including statutory county court judges, statutory probate court judges, district judges, courts of appeals, and justices of courts of appeals. This authority extends to any officer of state government, with specific exceptions noted. The passage does not explicitly mention regional presiding judges in recusal proceedings, but it does suggest that the Supreme Court has broad writ power over judicial officers and state government officers, which could potentially include regional presiding judges if they fall under the category of "any officer of state government."

[CHAPTER 6 Petitions for Writ of Mandamus](#)

## Practitioner's Guide to Civil Appeals in Texas - Full Court Press

## Extract

*In the Texas state court system, when review is desired before the entry of a final judgment, but none of the statutes authorizing an interlocutory appeal apply, appellate court review may be available by filing an original proceeding in a court of appeals or the Texas Supreme Court petitioning for the issuance of a writ. ... The mandamus jurisdiction of the court of appeals is set forth in section 22.221 of the Texas Government Code. ... Section 22.002(a) of the Texas Government Code confers jurisdiction on the Supreme Court to issue writs of mandamus against a statutory county court judge, a statutory probate court judge, a district judge, a court of appeals or a justice of a court of appeals, or any officer of state government except the governor, the court of criminal appeals, or a judge of the court of criminal appeals.*

## Summary

Jurisdictional boundaries for filing a writ of mandamus in Texas. It specifies that the Texas Supreme Court has jurisdiction to issue writs of mandamus against certain judges and officers of state government, while the courts of appeals have more limited jurisdiction. This suggests that if a court of appeals lacks jurisdiction over a regional presiding judge in a recusal proceeding, a direct petition to the Texas Supreme Court may be appropriate, as the Supreme Court has broader jurisdictional authority.

This memo was compiled by Vincent AI based on vLex materials available as of May 17, 2025. [View full answer on vLex](#)