



THE SUPREME COURT OF TEXAS

Orders Pronounced November 11, 2020

MISCELLANEOUS

THE MOTION TO STAY IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS IS DENIED:

20-0903 IN RE STATE OF TEXAS; from El Paso County; 8th Court of Appeals District (08-20-00226-CV, ___ SW3d ___, 11-09-20)
relator's emergency motion for temporary relief denied

The court of appeals has set a highly expedited briefing schedule and committed to issuing a ruling on temporary relief tomorrow. The record does not reflect the court clearly abused its discretion in deferring a decision on temporary relief until then. *See In re Geomet Recycling LLC*, 578 S.W.3d 82, 92 (Tex. 2019) (mandamus relief requires a “clear abuse of discretion”). The court of appeals has jurisdiction to decide the merits of the underlying appeal, which it has committed to doing within two days, and discretion to grant temporary relief until disposition of the appeal. *See Tex. R. App. P. 29.3*. This Court expresses no opinion on the likelihood of success of either party on the merits.

Chief Justice Hecht, Justice Boyd, Justice Devine, and Justice Blacklock dissent from the denial of the motion for temporary relief.

[**Note:** The petition for writ of mandamus remains pending before this Court.]