



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-20-00239-CR

IN RE Eustorgio Guzman **RESENDEZ**

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice
Patricia O. Alvarez, Justice
Irene Rios, Justice

Delivered and Filed: May 27, 2020

PETITION FOR WRIT OF MANDAMUS DENIED

On May 6, 2020, relator filed a pro se petition for writ of mandamus asking this court to order the real parties in interest to reopen an inquest and exhume certain bodies to examine them for positive identification and cause of death.

Mandamus is an extraordinary remedy, available only when the relator can show (1) the trial court clearly abused its discretion or violated a duty imposed by law; and (2) there is no adequate remedy by way of appeal. *Walker v. Packer*, 827 S.W.2d 833, 839-40 (Tex. 1992) (orig. proceeding). “Although we have jurisdiction to direct a trial court to exercise its discretion, we are not permitted to tell the trial court how to rule on a pending matter.” *In re Koehnke*, 04-19-

¹ This proceeding arises out of Cause No. 91-CR-43, styled *Ex parte Eustorgio Guzman Resendez v. The State of Texas*, pending in the Justice of the Peace Court, Precinct 3, Starr, Texas, the Honorable Salvador Zarate, Jr. presiding.

00735-CR, 2019 WL 5765711, at *1 (Tex. App.—San Antonio Nov. 6, 2019, orig. proceeding) (per curiam) (mem. op., not designated for publication).

Therefore, after considering the petition and the record, this court concludes relator is not entitled to the relief sought. Accordingly, the petition for writ of mandamus is denied. *See* TEX. R. APP. P. 52.8(a).

PER CURIAM

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