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# Anatomy of a Mandamus

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# Anatomy of a Mandamus



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# What is Mandamus?

A writ of mandamus is “[a] writ issued by a court to compel performance of a particular act by a lower court or a governmental officer or body, usu[ally] to correct a prior action or failure to act.” *Mandamus*, *Black’s Law Dictionary* 973 (11th ed. 2019).



Henri de Toulouse-Lautrec, *Equestrienne (At the Cirque Fernando)*, 1882–1892. The Art Institute of Chicago.

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# What is Prohibition?

“The writ of prohibition appropriately issues to ‘prevent the commission of a future act and not to undo, nullify, or review an act already performed; it will not be granted when the act sought to be prevented is already done, but will lie when such act is not a full, complete, and accomplished judicial act.’”

*Garcia v. Dial*, 596 S.W.2d 524, 529 (Tex. Crim. App. 1980) (citations omitted)



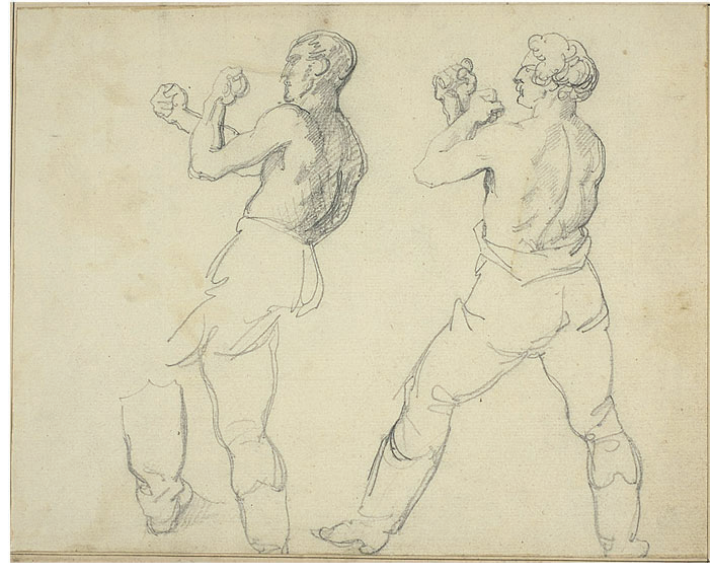
Francisco José de Goya y Lucientes. *Be Careful with that Step!* 1816–1820. The Art Institute of Chicago.

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# Substance not Denomination

“It has long been our practice with respect to pleadings in extraordinary matters to look to the substance of the pleading, not its denomination.”

*In re Daniel*, 396 S.W.3d 545, 549 (Tex. Crim. App. 2013)



Jean Louis André Théodore Géricault. Two Boxers Facing Left. 1818–1824. The Art Institute of Chicago.

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# Limits on Prohibition in the Courts of Appeals

“[T]he courts of appeals lack original jurisdiction [over a petition for writ of prohibition] other than to enforce their jurisdiction.”

*In re State ex rel. Best*, 616 S.W.3d 594, 599 (Tex. Crim. App. 2021)



Winslow Homer. Jurors Listening to Counsel, Supreme Court, New City Hall, New York. Published 1869. The Art Institute of Chicago.

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