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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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