



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

WILLIAM R. PETERSON  
Solicitor General

(512) 936-2834  
William.Peterson@oag.texas.gov

August 26, 2025

Via E-File

Blake A. Hawthorne  
Clerk, Supreme Court of Texas

**Re: *In re State* (Tex.) (filed August 26, 2025)**

Dear Mr. Hawthorne:

Shortly before noon today, the Fifteenth Court of Appeals requested that the State of Texas respond to a 75-page petition for writ of mandamus by tomorrow at 4:30 pm. Faced with this impossible deadline, numerous attorneys from the Office of the Attorney General immediately stopped all other work to address this emergency, including preparing an emergency motion for an extension of time with the Fifteenth Court of Appeals, a petition for writ of mandamus in this Court, and an emergency motion for temporary relief in this Court.

Minutes after the State filed its mandamus petition and emergency motion in this Court, the Fifteenth Court of Appeals issued the attached order (the Order) “administratively staying” the September 2 temporary-injunction hearing and staying the order providing for discovery associated with that hearing. Based on counsel’s research, an order staying a temporary-injunction hearing for a court of appeals to consider a mandamus petition challenging temporary restraining orders appears to be unprecedented. The Fifteenth Court also granted the State’s motion for a 14-day extension of time to file a response to the emergency motion and the petition for writ of mandamus.

The Order only underscores the pressing need for this Court’s involvement and the urgent need for an emergency stay of all proceedings in the Fifteenth Court and vacatur of the attached order. Under the guise of an “administrative stay,” the Fifteenth Court effectively granted Real Parties’ mandamus petition less than 24 hours after it was filed and without providing the State an opportunity to respond.

The vast majority of Real Parties' petition concerns temporary restraining orders set to expire on September 2. Staying the temporary injunction hearing and preventing discovery does not preserve the status quo—it gives Real Parties almost everything their petition requests.

As the State's mandamus petition and accompanying emergency motion for temporary relief explain, this is a violation of basic due process protections, which requires this Court's swift correction. As this Court explained just last year, "[a]dministrative stays do not typically reflect the court's consideration of the merits of the stay application. Rather, they 'freeze legal proceedings until the court can rule on a party's request for expedited relief.'" *In re State*, 711 S.W.3d 641, 643 n.2 (Tex. 2024) (quoting *United States v. Texas*, 144 S.Ct. 797, 798 (2024) (Barrett, J., concurring in denial of applications to vacate stay). "Their point is to minimize harm while an appellate court deliberates." *Texas*, 144 S.Ct. at 798.

But in this case, the Fifteenth Court's administrative stay ends up granting Real Parties virtually all the relief they sought in their belated, last-minute emergency mandamus petition. Indeed, by virtue of the administrative stay, the temporary-injunction hearing that Real Parties sought to prevent has been indefinitely halted and the discovery necessary for that hearing has been paused. Worse yet, with the Fifteenth Court's administrative stay, the underlying TROs of which Real Parties complain in their mandamus petition will expire on their own terms. The Order is not a temporary order to protect the status quo while an appellate court deliberates, it is a grant of ultimate relief under the guise of an administrative stay.

If the Fifteenth Court's procedural gamesmanship is left undisturbed, litigants will have a new procedural vehicle for abrogating TROs, preventing temporary-injunction hearings, and tying up litigation in the appellate courts indefinitely—just so long as those relators wait until the eleventh-hour to place courts and opposing parties under artificial time constraints. This Court should vacate the court of appeals' administrative stay as soon as possible and enter a stay of all proceedings in the Fifteenth Court pending disposition of the State's pending mandamus petition.

In the light of the upcoming temporary-injunction hearing on September 2, there is no serious argument that the mandamus relief requested by Real Parties is warranted. Real Parties' mandamus petition—which challenges eight different orders issued by the trial court over a several-week period, stretching back to

Page 3

August 8—virtually ignores the requirement that there be no adequate remedy on appeal, arguing the requirement for only one of the eight challenged orders.

The Fifteenth Court has imposed an extraordinary disruption on the State's attorneys. Real Parties' scattershot mandamus petition challenging eight separate orders is, admittedly, difficult to understand, but the solution to such a flawed petition is to allow litigation to proceed in its ordinary course and for Real Parties to appeal any temporary injunction, not for the Fifteenth Court of Appeals to issue an administrative stay that disrupts the status quo and grants virtually all the relief sought in a mandamus proceeding without allowing the State to be heard.

This Court should vacate the attached order and stay all proceedings in the Fifteenth Court of Appeals.

Respectfully submitted.

/s/ William R. Peterson  
William R. Peterson  
Solicitor General

cc: all counsel of record (via e-filing and e-mail)

**Motions Granted and Order filed August 26, 2025.**



**In The  
Fifteenth Court of Appeals**

---

**NO. 15-25-00140-CV**

---

**IN RE POWERED BY PEOPLE AND ROBERT FRANCIS O'ROURKE,  
Relators**

---

**ORIGINAL PROCEEDING  
WRIT OF MANDAMUS  
348th District Court  
Tarrant County, Texas  
Trial Court Cause No. 348-367652-2025**

---

**ORDER**

On Monday, August 25, 2025, relators Powered by People and Robert Francis O'Rourke, filed a petition for writ of mandamus in this Court. Relators ask this Court to order the Honorable Megan Fahey, Judge of the 348th District Court, in Tarrant County, Texas, to dismiss the case or, alternatively, to set aside her orders denying relators' Motions to Transfer Venue dated August 15, 2025, and Motion to Dissolve

Temporary Restraining Order dated August 19, 2025, entered in trial court number 348-367652-2025, styled *The State of Texas v. Robert Francis O'Rourke and Powered by People*. Relators also filed an emergency motion asking this Court to stay the proceedings below. *See* Tex. R. App. P. 52.8(b), 52.10.

It appears from the facts stated in the petition and motion that relators' request for emergency relief requires further consideration. Because this Court needs sufficient time to review the merits of relators' emergency motion, we issue the following administrative stay:

We **ORDER** the hearing on the State's Application for Temporary Injunction set September 2, 2025, in trial court cause number 348-367652-2025, *The State of Texas v. Robert Francis O'Rourke and Powered by People*, **STAYED** until a final decision by this Court on relators' emergency motion or until further order of this Court. We further **ORDER** the trial court's August 15, 2025 Order on Expedited Discovery in trial court cause number 348-367652-2025, *The State of Texas v. Robert Francis O'Rourke and Powered by People*, **STAYED** until a final decision by this Court on relators' emergency motion or until further order of this Court.

In addition, the Court grants the State's request for an extension of time to file a response and requests the State of Texas, the real party-in-interest, to file a response to the emergency motion and the petition for writ of mandamus on or before September 9, 2025. *See* Tex. R. App. P. 52.4.

PER CURIAM

Panel consists of Chief Justice Brister and Justices Field and Farris.