



**IN THE COURT OF CRIMINAL APPEALS
OF TEXAS**

NO. WR-57,250-06

DONALD GENE BLANTON, Relator

v.

86TH DISTRICT COURT, Respondent

**ON APPLICATION FOR A WRIT OF MANDAMUS
CAUSE NO. 23,592-86
FROM KAUFMAN COUNTY**

Per curiam.

ORDER

Relator has filed a motion for leave to file an application for a writ of mandamus pursuant to the original jurisdiction of this Court. In it, he contends he filed a motion for *nunc pro tunc* judgment in the trial court on September 21, 2011, and he complains the trial court has not issued a ruling. The claim is properly before this Court. *See Padilla v. McDaniel*, 122 S.W.3d 805 (Tex. Crim. App. 2003); *In re Donald Gene Blanton*, No. 05-12-00746-CV (Tex. App. – Dallas del. June 8, 2012).

Consideration of a motion properly filed and before a trial court is ministerial, and mandamus relief may be pursued to compel a ruling. *See White v. Reiter*, 640 S.W.2d 586 (Tex. Crim. App. 1982); *Braxton v. Dunn*, 803 S.W.2d 318, 320 (Tex. Crim. App. 1991). Respondent, the Judge of the 86th District Court of Kaufman County, shall file a response with this Court within thirty days of the date of this order regarding whether Relator has properly filed a motion for *nunc pro tunc* judgment and whether there has been a ruling on the motion if properly before the trial court. This application for leave to file a writ of mandamus will be held in abeyance until Respondent has submitted a response.

Filed: August 22, 2012
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