



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

§
§ No. 08-16-00292-CR
IN RE: ARMANDO MADRID,
§ AN ORIGINAL PROCEEDING
Relator.
§ IN MANDAMUS
§

MEMORANDUM OPINION

Relator, Armando Madrid, a Texas inmate, has filed a petition for writ of mandamus against the Honorable Martin Muncy, Judge of the 109th District Court of Andrews County, Texas, alleging that Respondent has not ruled on a motion to recuse purportedly filed on August 5, 2016.

To obtain mandamus relief, Relator must demonstrate that he does not have an adequate remedy at law and that the act he seeks to compel is ministerial. *State ex rel. Young v. Sixth Judicial District Court of Appeals*, 236 S.W.3d 207, 210 (Tex.Crim.App. 2007). To be entitled to a writ of mandamus compelling a trial court to consider and rule on a properly filed motion, Relator must establish that the trial court: (1) had a legal duty to rule on the motion; (2) was asked to rule on the motion; and (3) failed or refused to rule on the motion within a reasonable time. *In re Molina*, 94 S.W.3d 885, 886 (Tex.App.--San Antonio 2003, orig. proceeding); *see In re Layton*, 257 S.W.3d 794, 795 (Tex.App.--Amarillo 2008, orig. proceeding). Relator has not

presented sufficient evidence to establish he is entitled to mandamus relief. Accordingly, the petition for writ of mandamus is denied.

December 7, 2016

ANN CRAWFORD McCLURE, Chief Justice

Before McClure, C.J., Rodriguez, and Hughes, JJ.

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