

DISMISS and Opinion Filed November 19, 2019



In The  
**Court of Appeals**  
**Fifth District of Texas at Dallas**

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No. 05-19-00038-CV

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**BASIL BROWN, Appellant**  
**V.**  
**ROBERT HAWKINS, Appellee**

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**On Appeal from the County Court at Law No. 1**  
**Kaufman County, Texas**  
**Trial Court Cause No. 16C-0127**

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**MEMORANDUM OPINION**

Before Justices Whitehill, Partida-Kipness, and Pedersen, III  
Opinion by Justice Whitehill

Appellant has been declared a vexatious litigant. We instructed appellant to file written verification that he had obtained an order from the local administrative judge permitting the filing of this appeal. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 11.103(a). After granting appellant two extensions, the Court received a copy of the March 22, 2019 order of the Honorable Carter Thompson, Local Administrative Judge in Dallas County, granting appellant permission to appeal. By order dated March 27, 2019, we acknowledged receipt of the March 22nd order and set the deadline for the reporter's record.

Appellee filed an objection to this Court's March 27th order and a motion to dismiss. He asserted appellant must obtain permission from the local administrative judge of Kaufman County because the underlying case arises from Kaufman County. We granted appellee's motion to the

extent that we vacated our March 27th order and ordered appellant to file a copy of an order from the local administrative judge of Kaufman County permitting the filing of this appeal. Appellant objected to this order. By order dated May 1st, we extended the deadline for appellant to comply to May 28th. We notified appellant that if the local administrative judge of Kaufman County signs an order denying him permission to appeal, he may seek review of that order by applying for a writ of mandamus with this Court not later than the thirtieth day after the date of the order. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 11.102(f).

On May 28th, appellant filed a motion to proceed in this appeal explaining that he attempted to obtain an order from the Honorable Casey Blair, Presiding Judge of the 86th Judicial District Court. According to appellant, Judge Blair informed appellant that he was not the appropriate local administrative judge to grant appellant permission to appeal. Because of the confusion, on June 10, 2019, the Court ordered Judge Blair<sup>1</sup> to consider and sign a written order on appellant's request for permission to appeal. We again notified appellant that if permission is denied, he may seek review by applying for a writ of mandamus with this Court not later than the thirtieth day after the date of the order. *See id.*

On June 21, 2019, Judge Blair conducted a hearing on appellant's motion for permission to appeal. Both parties appeared and presented evidence. Judge Blair signed an order denying appellant's motion on the same day. Appellant failed to pursue the sole statutory remedy for review of this order by applying for a writ of mandamus within thirty days. Rather, appellant filed on June 24, 2019, a motion to order Judge Blair to serve him with a copy of the June 21st order and, on June 25, 2019, a motion to proceed in this appeal. By order dated August 13, 2019, the Court denied appellant's June 24th motion, explaining that to extend his deadline to seek review,

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<sup>1</sup>Under section 25.1312(f) of the Government Code, a district judge serves as the local administrative judge for the district and statutory county courts in Kaufman County. *See* TEX. GOV'T CODE ANN. § 25.1312(f). Although the webpage for the 422<sup>nd</sup> Judicial District Court states that Judge Michael Chitty is the local administrative judge, the current local administrative district judge for Kaufman County is Judge Blair. *See* <https://www.txcourts.gov/judicial-directory/>.

appellant must first seek timely relief from the trial court pursuant to rule of civil procedure 306a.5. *See* TEX. R. CIV. P. 306a.5. As of today's date, the Court has had no further correspondence from appellant in this appeal.

Appellant failed to seek review of Judge Blair's order by applying for a writ of mandamus and the time for doing so has passed. Under these circumstances, we dismiss this appeal and all pending motions for want of jurisdiction. *See id.* §§ 11.102(f), 11.1035(b).

/Bill Whitehill/  
BILL WHITEHILL  
JUSTICE

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**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

BASIL BROWN, Appellant

No. 05-19-00038-CV      V.

ROBERT HAWKINS, Appellee

On Appeal from the County Court At Law

No. 1, Kaufman County, Texas

Trial Court Cause No. 16C-0127.

Opinion delivered by Justice Whitehill.

Justices Partida-Kipness and Pedersen, III  
participating.

In accordance with this Court's opinion of this date, the appeal is **DISMISSED**.

Judgment entered November 19, 2019