

Petition for Writ of Mandamus Denied and Memorandum Opinion filed January 28, 2010



In The

Fourteenth Court of Appeals

NO. 14-10-00075-CV

IN RE KEEN TRANSPORT, INC AND VINCENT RAY BURD, Relators

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS**

MEMORANDUM OPINION

On January 26, 2010, relators, Keen Transport, Inc and Vincent Ray Burd, filed a petition for writ of mandamus in this court. *See* Tex. Gov't Code Ann. §22.221 (Vernon 2004); *see also* Tex. R. App. P. 52. In the petition, relators ask this court to compel the Honorable Susan Criss, presiding judge of the 212th District Court of Galveston County, to grant their motion to abate.

Relators have not included in the mandamus record a written order denying their motion to abate or that portion of a reporter's record demonstrating an oral ruling on their

motion to abate.. See Tex. R. App. P. 52.3(k)(1); *In re Bill Heard Chevrolet, Ltd.*, 209 S.W.3d 311, 314 (Tex. App.—Houston [1st Dist.] 2006, orig. proceeding).

Relators have not established their entitlement to the extraordinary relief of a writ of mandamus. Accordingly, we deny relators' petition for writ of mandamus without prejudice to refiling in compliance with Rule 52.3(k)(1). The emergency motion to stay proceedings is denied as moot without prejudice to refiling.

PER CURIAM

Panel consists of Justices Frost, Boyce, and Sullivan.