

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-11-00480-CR**

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**IN RE DOUGLAS ALAN BURDEN**

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**Original Proceeding**

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**MEMORANDUM OPINION**

Relator Douglas Alan Burden filed a writ of mandamus, in which he complains that in his underlying criminal case, the trial court entered a defective certification and failed to correct its certification. Because the information received from the trial court in Burden's underlying criminal case indicated that the case was a plea bargain and did not involve revocation of community supervision, this Court issued an opinion dismissing Burden's appeal for want of jurisdiction on August 7, 2003. *See Burden v. State*, No. 09-03-284-CR, 2003 WL 21831899, at \*1 (Tex. App.—Beaumont Aug. 7, 2003, no pet.) (not designated for publication). The trial court's only duty thereafter was to enforce our mandate, which issued on October 21, 2003. *See Tex. R. App. P. 51.2.*

We may grant mandamus relief only if the relator demonstrates that the act sought to be compelled is purely ministerial, and that the relator has no other adequate legal

remedy. *See State ex rel. Hill v. Court of Appeals for the Fifth Dist.*, 34 S.W.3d 924, 927 (Tex. Crim. App. 2001). Burden has not shown that he is entitled to the relief sought. *See id.* Accordingly, we deny the petition for writ of mandamus.

In addition, we addressed this issue in two prior petitions for writ of mandamus filed by Burden. *In re Burden*, No. 09-09-00403-CV, 2009 WL 3030335, at \*1 (Tex. App.—Beaumont Sept. 24, 2009, orig. proceeding) (mem. op.); *In re Burden*, No. 09-08-00228-CV, 2008 WL 2369137, at \*1 (Tex. App.—Beaumont June 12, 2008, orig. proceeding) (mem. op.). Burden raises no new issues or arguments in this proceeding. We therefore find that this proceeding is frivolous. *See Tex. Civ. Prac. & Rem. Code Ann. § 11.054(1)(C)* (West 2002).

PETITION DENIED.

PER CURIAM

Opinion Delivered August 31, 2011  
Do Not Publish  
Before Gaultney, Kreger, and Horton, JJ.