

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

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**NO. 09-17-00041-CV**

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**IN RE RONALD RAY EDINBURGH**

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**Original Proceeding**  
**County Court at Law No. 2 of Montgomery County, Texas**  
**Trial Cause No. 13-30011-P**

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**MEMORANDUM OPINION**

In a mandamus petition concerning probate proceedings in the Estate of Udie Edinburgh, the relator, Ronald Ray Edinburgh, states that he filed motions with the trial court on November 1, 2016, and January 10, 2017. “To establish entitlement to mandamus relief for a trial court’s refusal to act, the relator must establish that the trial court had a legal duty to perform a ministerial act, relator made demand for performance, and the court refused to perform.” *In re Dong Sheng Huang*, 491 S.W.3d 383, 385 (Tex. App.—Houston [1st Dist.] 2016, orig. proceeding [mand. filed]). “The relator must show that the trial court received, was aware of, and was

asked to rule on the motion.” *In re Greater McAllen Star Props., Inc.*, 444 S.W.3d 743, 748 (Tex. App.—Corpus Christi 2014, orig. proceeding). Furthermore, determining what time period is reasonable for the trial court to rule is not subject to exact formulation and depends on the circumstances of the case. *In re Blakeney*, 254 S.W.3d 659, 661 (Tex. App.—Texarkana 2008, orig. proceeding). In this case, Relator has not shown that the trial court refused to rule on properly filed motions that have been pending for an unreasonably long length of time. The petition for a writ of mandamus is denied without prejudice.

PETITION DENIED.

PER CURIAM

Submitted on March 8, 2017  
Opinion Delivered March 9, 2017

Before McKeithen, C.J., Horton and Johnson, JJ.