



**In The  
Court of Appeals  
Seventh District of Texas at Amarillo**

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No. 07-14-00426-CV

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IN RE R. WAYNE JOHNSON, RELATOR

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ORIGINAL PROCEEDING

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January 27, 2015

**MEMORANDUM OPINION**

Before CAMPBELL and HANCOCK and PIRTLE, JJ.

Relator R. Wayne Johnson is a prison inmate appearing *pro se*. In this original proceeding, he asks that we issue a writ of mandamus against respondents the Honorable Ana E. Estevez, judge of the 251st District Court of Potter County and the Honorable Don Emerson, judge of the 320th District Court of Potter County. According to relator, Judge Emerson has failed to hear and rule on a petition for writ of habeas corpus relator filed and Judge Estevez has failed to appoint counsel for him in the habeas corpus proceeding. Relator's petition also includes a request that we hold

Judges Estevez and Emerson in contempt for failing to comply with an order of this court.<sup>1</sup> We will deny all relief requested by relator.

Relator's petition does not comply with appellate rule 52.3. In this respect, relator is well aware of the rule's requirements. *See, e.g., In re Johnson*, No. 07-13-00424-CV, 2014 Tex. App. LEXIS 3511 (Tex. App.—Amarillo Mar. 31, 2014, orig. proceeding) (mem. op.); *In re Johnson*, No. 06-13-00137-CV, 2014 Tex. App. LEXIS 52 (Tex. App.—Texarkana Jan. 7, 2014, orig. proceeding) (mem. op.). For this reason alone relator's petition does not demonstrate his entitlement to mandamus relief. *See Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1990, orig. proceeding) (party seeking mandamus relief has burden of providing court with sufficient record to establish right to relief); *In re Bibbs*, 07-11-00393-CV, 2011 Tex. App. LEXIS 8192 (Tex. App.—Amarillo Oct. 13, 2011, orig. proceeding) (denying petition for mandamus for noncompliance with appellate rule 52.3).

All relief requested by relator is denied. Relator's pending motion for appointment of counsel to represent him here and in the underlying matter is also denied.

James T. Campbell  
Justice

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<sup>1</sup> Relator's request for a contempt order has no merit. He misunderstands our opinion dismissing his recent attempt to obtain habeas corpus relief in this court in a criminal law matter. *Ex parte Johnson*, No. 07-14-00384-CR, 2014 Tex. App. LEXIS 11746 (Tex. App. Amarillo Oct. 27, 2014, orig. proceeding) (mem. op., not designated for publication). There we did no more than dismiss his petition for want of jurisdiction. We directed no action by either Judge Estevez or Judge Emerson.