



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

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No. 07-17-00154-CV

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IN RE CARLOS WAYNE TOOMBS, RELATOR

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**OPINION ON ORIGINAL PROCEEDING FOR WRIT OF MANDAMUS**

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May 23, 2017

**MEMORANDUM OPINION**

Before QUINN, C.J., and CAMPBELL and PIRTLE, JJ.

Relator, Carlos Wayne Toombs, an inmate proceeding *pro se*, filed a petition for writ of mandamus in the above-referenced cause. By letter dated May 2, 2017, this court directed Toombs to pay the filing fee or comply with Chapter 14 of the Civil Practice and Remedies Code by filing 1) an affidavit of indigence, 2) an affidavit relating to previous filings, and 3) a certified copy of his inmate trust account statement. See TEX. CIV. PRAC. & REM. CODE ANN. §§ 14.002(a) (stating that Chapter 14 applies to original proceedings brought by an inmate in an appellate court), 14.004 (West 2017). He was also told that the proceeding was subject to dismissal if he did not comply. See TEX. R. APP. P. 42.3(c).

In response, Toombs filed an affidavit of indigence and a certified copy of his inmate trust account statement. However, he did not provide an affidavit identifying and describing his previous filings. That affidavit must identify and describe each action previously brought by stating the operative facts for which relief was sought; listing the case number, cause number, and the court in which the action was brought; identifying each party named in the action; and stating the result of the action. TEX. CIV. PRAC. & REM. CODE ANN. § 14.004(a), (b) (West 2017).

The requirement to tender an affidavit of previous filings specified by Chapter 14 is mandatory, and the lack thereof is grounds for dismissal of the original proceeding. *See In re Hereford*, No. 07-14-00348-CV, 2014 Tex. App. LEXIS 11521, at \*1-2 (Tex. App.—Amarillo Oct. 17, 2014, orig. proceeding) (per curiam) (mem. op.) (holding that an inmate's failure to submit an affidavit of previous filings warranted dismissal of his mandamus proceeding).

Accordingly, we dismiss the petition for writ of mandamus.

Per Curiam