



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-17-00171-CR

IN RE EARL KING

Original Mandamus Proceeding

Before Morriss, C.J., Moseley and Burgess, JJ.
Memorandum Opinion by Chief Justice Morriss

MEMORANDUM OPINION

Earl King has filed a pro se petition for writ of mandamus in which he asks this Court to order the 202nd Judicial District Court of Bowie County to rule on a “Motion For Dismissal” of trial court cause number 13F0063, filed on June 2, 2017. We deny King’s petition for writ of mandamus.

It is King’s burden to properly request and show his entitlement to mandamus relief. *See Barnes v. State*, 832 S.W.2d 424, 426 (Tex. App.—Houston [1st Dist.] 1992, orig. proceeding) (per curiam) (“Even a pro se applicant for a writ of mandamus must show himself entitled to the extraordinary relief he seeks.”). With respect to his request, King must show that he has no adequate remedy at law to redress his alleged harm and that what he seeks to compel is a ministerial act, not involving a discretionary or judicial decision. *See State ex rel. Young v. Sixth Judicial Dist. Court of Appeals at Texarkana*, 236 S.W.3d 207, 210 (Tex. Crim. App. 2007) (orig. proceeding).

While the trial court is required to consider all properly filed motions before it, *In re Shaw*, 175 S.W.3d 901, 904 (Tex. App.—Texarkana 2005, orig. proceeding), a relator seeking a writ of mandamus must file with this Court a certified or sworn copy of every document that is material to his claim for relief (mandamus record). *See* TEX. R. APP. P. 52.3(k), 52.7(a).

King did not file a mandamus record in this Court. Consequently, we may not evaluate the merits of King’s request for mandamus relief. *See* TEX. R. APP. P. 52.7; *Barnes*, 832 S.W.2d at 426.

We deny King's petition for writ of mandamus.

Josh R. Morriss, III
Chief Justice

Date Submitted: September 14, 2017

Date Decided: September 15, 2017

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