



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

No. 06-19-00050-CV

IN RE MARK EUGENE ENGLE

Original Mandamus Proceeding

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

MEMORANDUM OPINION

Mark Eugene Engle, proceeding pro se, has petitioned this Court for mandamus relief. Engle asks us to compel the Honorable Keli Aiken of the 354th Judicial District Court in Hunt County, Texas, to rule on a civil complaint, motion for appointment of counsel, request for a preliminary injunction, and a motion for default judgment he claims to have filed against Stacey Landrum, the Hunt County District Clerk. We deny Engle’s petition for writ of mandamus because Engle failed to provide us with a record to support his entitlement to mandamus relief.

To be entitled to mandamus relief, the relator must show (1) that he has no adequate remedy at law and (2) that the action he seeks to compel is ministerial, not one involving a discretionary or judicial decision. *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). The relator must also provide this Court with a record sufficient to establish his right to mandamus relief. *Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992) (orig. proceeding); *In re Pilgrim’s Pride Corp.*, 187 S.W.3d 197, 198–99 (Tex. App.—Texarkana 2006, orig. proceeding); *see* TEX. R. APP. P. 52.3. Before mandamus may issue, the relator must show that the trial court had a legal duty to perform a ministerial act, was asked to do so, and failed or refused to act. *In re Villarreal*, 96 S.W.3d 708, 710 (Tex. App.—Amarillo 2003, orig. proceeding); *see also In re Blakeney*, 254 S.W.3d 659, 662 (Tex. App.—Texarkana 2008, orig. proceeding) (“Showing that a motion was filed with the court clerk does not constitute proof that the motion was brought to the trial court’s attention or presented to the trial court with a request for a ruling.”).

Engle has provided this Court with copies of his civil complaint, motions, requests, and letters, but none of them contain a file mark evidencing that they were filed by the Hunt County District Clerk. Nor is there any evidence in the record showing that the motions and requests were presented to the trial court, that a request for a ruling was made, or that the trial court was made aware of them. Thus, Engle has failed to provide this Court with a record sufficient to establish that he is entitled to mandamus relief. *See Walker*, 827 S.W.2d at 837.

We deny Engle's petition.

Scott E. Stevens
Justice

Date Submitted: June 18, 2019
Date Decided: June 19, 2019