

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-22-00226-CV

In re Author Manning

ORIGINAL PROCEEDING FROM TRAVIS COUNTY

MEMORANDUM OPINION

Relator has filed a document, which we treat as a petition for writ of mandamus based on the substance of his filing, complaining of the trial court's failure to rule on his pro se motion filed within the last month. *See* Tex. R. App. P. 52.8(a); *see also Surgitek, Bristol-Myers Corp. v. Abel*, 997 S.W.2d 598, 601 (Tex. 1999) (considering the substance of pleading rather than form or caption to determine its nature). Although mandamus relief is generally available when the trial court has failed to rule on a properly filed motion within a reasonable length of time, a delay of less than one month is not unreasonable. *See In re Whitfield*, No. 03-18-00564-CV, 2018 WL 4140735, at *1 (Tex. App.—Austin Aug. 29, 2018, orig. proceeding). Accordingly, we deny the petition for writ of mandamus.

Darlene Byrne, Chief Justice

Before Chief Justice Byrne, Justices Kelly and Smith

Filed: April 29, 2022