



NUMBER 13-09-00429-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN RE BARRY DWAYNE MINNFEE

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On Petition for Writ of Mandamus.

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**MEMORANDUM OPINION**

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**Before Chief Justice Valdez and Justices Yañez and Benavides  
Per Curiam Memorandum Opinion<sup>1</sup>**

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Relator, Barry Dwayne Minnfee, pro se, filed a petition for writ of mandamus in the above cause on June 17, 2009, asking this Court to “compel the trial court to respond to Intentional Tort filed June 15, 2009 with Clerk Patsy Perez District Court.”<sup>2</sup>

We deny the petition for writ of mandamus for the reasons stated herein. First, the petition for writ of mandamus fails to comply with the Texas Rules of Appellate Procedure.

<sup>1</sup> See TEX. R. APP. P. 52.8(d) (“When denying relief, the court may hand down an opinion but is not required to do so.”); TEX. R. APP. P. 47.4 (distinguishing opinions and memorandum opinions).

<sup>2</sup> This Court has previously a similar petition filed by relator. See *generally In re Minnfee*, No. 13-09-00268-CV, 2009 Tex. App. LEXIS 5030, at \*1-2 (Tex. App.—Corpus Christi May 18, 2009, orig. proceeding).

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See generally TEX. R. APP. P. 52.3. Specifically, for instance, the petition lacks an appendix and a record, fails to contain a “clear and concise argument for the contentions made, with appropriate citations to authorities and to the appendix or record,” and is largely illegible. See *id.* 52.3(h). Second, relator has not demonstrated that the trial court expressly refused to rule on relator’s “Intentional Tort” or that an unreasonable amount of time has passed since that document was filed. See *In re Dimas*, 88 S.W.3d 349, 351 (Tex. App.–San Antonio 2002, orig. proceeding); *In re Chavez*, 62 S.W.3d 225, 228 (Tex. App.–Amarillo 2001, orig. proceeding); *Barnes v. State*, 832 S.W.2d 424, 426 (Tex. App.–Houston [1st Dist.] 1992, orig. proceeding); accord *O’Connor v. First Ct. of Appeals*, 837 S.W.2d 94, 97 (Tex. 1992) (orig. proceeding).

The Court, having examined and fully considered the petition for writ of mandamus, is of the opinion that relator has not shown himself entitled to the relief sought. Accordingly, the petition for writ of mandamus is DENIED. See TEX. R. APP. P. 52.8(a).

PER CURIAM

Memorandum Opinion delivered and  
filed this the 28th day of July, 2009.