



**NUMBER 13-10-00508-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**IN RE: KIRK WAYNE McBRIDE, SR.**

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**On Petition for Writ of Mandamus.**

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**MEMORANDUM OPINION**

**Before Justices Yañez, Garza, and Benavides  
Memorandum Opinion Per Curiam**

Relator, Kirk Wayne McBride, Sr., pro se, filed a petition for writ of mandamus in the above cause on September 17, 2010, seeking to compel the trial court to rule on a "Petition for Temporary Restraining Order." According to the petition, relator submitted his request for a temporary restraining order to the district clerk on July 14, 2010, however, the trial court has not yet issued a ruling thereon. We deny the petition for writ of mandamus.

First, the petition for writ of mandamus fails to comply with the Texas Rules of Appellate Procedure. See *generally* TEX. R. APP. P. 52.3. Second, relator has not

demonstrated either that the trial court expressly refused to rule on relator's petition for temporary restraining order or that an unreasonable amount of time has passed since the petition 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

Delivered and filed the  
8th day of October, 2010.