

NO. 12-08-00205-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN RE: MICHAEL KENNEDY,
RELATOR

§

§ *ORIGINAL PROCEEDING*

§

MEMORANDUM OPINION

Michael Kennedy seeks a writ of mandamus requiring “the district court” to appoint a judge to decide a civil rights lawsuit that Kennedy alleges he has filed in which he names all of the Anderson County district judges as parties.

Mandamus is an extraordinary remedy and was intended to be available “only in situations involving manifest and urgent necessity and not for grievances that may be addressed by other remedies.” *Walker v. Packer*, 827 S.W.2d 833, 840 (Tex.1992). For Kennedy to be entitled to relief by mandamus, he must meet two requirements. First, he must show that the trial court clearly abused its discretion. *See id.* Second, he must show that he lacks an adequate remedy at law, such as an ordinary appeal. *See id.*

Kennedy’s mandamus petition contains no factual allegations supporting his request for relief. *See* TEX. R. APP. P. 52.3(g). Moreover, his petition does not include an appendix, *see* TEX. R. APP. P. 52.3(j)(1)(A), and is not accompanied by a record. *See* TEX. R. APP. P. 52.7(a)(1). Consequently, we are unable to conclude that “the district court” has abused its discretion. Kennedy’s petition for writ of mandamus is *denied*.

JAMES T. WORTHEN

Chief Justice

Opinion delivered May 21, 2008.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(PUBLISH)