



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

IN RE: JIMMY LEE SWEED,	§	No. 08-15-00341-CR
Relator.	§	ORIGINAL PROCEEDING
	§	ON PETITION FOR WRIT OF
	§	MANDAMUS

MEMORANDUM OPINION

Relator, Jimmy Lee Sweed, has filed a petition for writ of mandamus against the Honorable Bonnie Rangel, Judge of the 171st District Court of El Paso County, Texas, alleging that Respondent has not ruled on a post-conviction motion filed in cause number 69262. We deny mandamus relief.

To be entitled to mandamus relief, a relator must meet two requirements. First, the relator must show that the trial court clearly abused its discretion. *In re Prudential Insurance Company of America*, 148 S.W.3d 124, 135 (Tex. 2004). Second, the relator must demonstrate that there is no adequate remedy by appeal. *Id.* at 135-36. Mandamus may issue to compel a trial court to rule on a motion which has been pending before the court for a reasonable period of time. *See In re Shredder Co.*, 225 S.W.3d 676, 679 (Tex.App.--El Paso 2006, orig. proceeding); *In re Hearn*, 137 S.W.3d 681, 685 (Tex.App.--San Antonio 2004, orig. proceeding); *In re Chavez*, 62 S.W.3d 225, 228 (Tex.App.--Amarillo 2001, orig. proceeding). To obtain mandamus relief for such refusal, a relator must establish: (1) the motion was properly filed and has been

pending for a reasonable time; (2) the relator requested a ruling on the motion; and (3) the trial court refused to rule. *See Shredder Co.*, 225 S.W.3d at 679; *Hearn*, 137 S.W.3d at 685; *Chavez*, 62 S.W.3d at 228. Relator has failed to establish that he is entitled to mandamus relief. Accordingly, we deny the petition for writ of mandamus.

STEVEN L. HUGHES, Justice

December 11, 2015

Before McClure, C.J., Rodriguez, and Hughes, JJ.

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