

DENIED; Opinion Filed April 8, 2013.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-13-00419-CV

IN RE MARVIN L. MALONE, Relator

**On Appeal from the 194th Judicial District Court
Dallas County, Texas
Trial Court Cause No. F85-98931-IM**

MEMORANDUM OPINION

**Before Justices O'Neill, Lang-Miers, and Evans
Opinion by Justice Evans**

Relator contends the trial court did not properly rule on his motion for judgment nunc pro tunc. The facts and issues are well known to the parties, so we need not recount them herein. Based on the record before us, we conclude relator has not shown he is entitled to the relief requested. *See* TEX. R. APP. P. 52.8(a); *Simon v. Levario*, 306 S.W.3d 318, 320-21 (Tex. Crim. App. 2009) (orig. proceeding); *State of Tex. ex rel. Hill v. Court of Appeals for the Fifth Dist.*, 34 S.W.3d 924, 927 (Tex. Crim. App. 2001) (orig. proceeding). Accordingly, we **DENY** relator's petition for writ of mandamus.

/David W. Evans/
DAVID W. EVANS
JUSTICE