

DENY; and Opinion Filed May 7, 2013.



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

No. 05-13-00603-CV

IN RE CALVIN MCNAC, Relator

**On Appeal from the 283rd Judicial District Court
Dallas County, Texas
Trial Court Cause No. F03-71678-T**

MEMORANDUM OPINION

**Before Justices Moseley, Francis, and Fillmore
Opinion by Justice Fillmore**

The Court has before it relator's petition for writ of mandamus in which he asks this Court to order the trial court to rule on his motion for post-conviction DNA testing. 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 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, 927–28 (Tex. Crim. App. 2001) (orig. proceeding). Accordingly, we deny relator's petition for writ of mandamus.

**/Robert M. Fillmore/
ROBERT M. FILLMORE
JUSTICE**
