

DENY; and Opinion Filed July 30, 2014.



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

No. 05-14-00955-CV

IN RE KENNETH BUHOLTZ, Relator

**Original Proceeding from the 219th Judicial District Court
Collin County, Texas
Trial Court Cause No. 219-51173-2010**

MEMORANDUM OPINION

Before Justices FitzGerald, Francis, and Lewis
Opinion by Justice Lewis

Relator filed this petition for writ of mandamus requesting that the Court order the trial court to rule on six pending motions that he alleges have been on file in the trial court for varying periods of time ranging from three weeks to eight months. The facts and issues are well known to the parties, so we do not recount them here.

Relator's petition is not supported as required by the rules of appellate procedure. TEX. R. APP. P. 52.3(j),(k); TEX. R. APP. P. 52.7 "Those seeking the extraordinary remedy of mandamus must follow the applicable procedural rules. Chief among these is the critical obligation to provide the reviewing court with a complete and adequate record." *In re Le*, 335 S.W.3d 808, 813 (Tex. App.—Houston [14th Dist.] 2011, orig. proceeding). Without a proper record the Court cannot determine whether the motions relator contends he has filed are on file with the trial court and have not been resolved.

Although the claims pleaded in pro se inmate petitions should be liberally construed, the same procedural standards apply to inmates as to other litigants. *Barnes v. State*, 832 S.W.2d 424, 426 (Tex. App.—Houston [1st Dist.] 1992, no writ). If a pro se litigant is not required to comply with the applicable rules of procedure, he would be given an unfair advantage over a litigant who is represented by counsel. *Holt v. F.F. Enterprises*, 990 S.W.2d 756, 759 (Tex. App.—Amarillo 1998, pet. denied). There cannot be two sets of procedural rules, one for litigants with counsel and the other for litigants representing themselves. *Mansfield State Bank v. Cohn*, 573 S.W.2d 181, 184-85 (Tex. 1978). We **DENY** the petition for writ of mandamus.

/David Lewis/

DAVID LEWIS
JUSTICE

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