

Denied and Opinion Filed August 22, 2016



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-16-00979-CV

EX PARTE TRACY NIXON, RELATOR

Original Proceeding from the 301st Judicial District Court
Dallas County, Texas
Trial Court Cause No. DF-00-14691-T

MEMORANDUM OPINION

Before Chief Justice Wright and Justices Lang and Brown
Opinion by Justice Lang

Before the Court is relator Tracy Nixon's petition for writ of habeas corpus. On the record before the Court, we cannot conclude relator is entitled to relief. The record filed by relator does not include sufficient proof that relator is currently confined or restrained. *See* TEX. R. APP. P. 52.3(k)(1)(D), 52.7(a). Although the appendix to the petition includes the trial court's order for issuance of *capias* and relator's unsworn statement that he is confined, neither provide the proof of present confinement required by rule 52. *See, e.g., In re Miller*, 05-14-01023-CV, 2014 WL 3882317, at *1 (Tex. App.—Dallas Aug. 7, 2014, orig. proceeding) (mem. op.) (denying petition and holding that website print out from Collin County Sheriff's Department insufficient to provide proof of confinement).

Moreover, the petition does not provide the Court with a sufficient record under which the Court could properly review the contempt order. The petition for writ of habeas corpus is not certified as required by the Texas Rules of Appellate Procedure, does not include a properly authenticated transcript of any relevant testimony from the proceeding at which the relator was held in contempt, and is supported by documents that are not authenticated as required by the Texas Rules of Appellate Procedure. See TEX. R. APP. P. 52.7(a)(1),(2), 52.3(j), 52.3(k)(1)(A). Because the record in an original proceeding is assembled by the parties, this Court strictly enforces the authentication requirements of rule 52 to ensure the integrity of the record.

It is relator's burden as the party seeking relief to provide the Court with a sufficient record. *Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992) (orig. proceeding). Because he has not done so here, we must deny the petition without prejudice to filing a properly supported petition.

/s/ Douglas Lang
DOUGLAS LANG
JUSTICE