

DENY; and Opinion Filed October 12, 2017.



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

No. 05-17-01143-CV

IN RE ARTURO SOLIS, Relator

**Original Proceeding from the 52nd District Court
Coryell County, Texas
Trial Court Cause No. C10-11-40751**

MEMORANDUM OPINION

Before Justices Francis, Brown, and Whitehill
Opinion by Justice Brown

Although originally filed in the Tenth Court of Appeals and docketed as case number 10-17-00286-CR, this original proceeding was transferred to this Court pursuant to Tex. Gov't Code § 73.001 and due to recusals on the Tenth Court of Appeals. *See* TEX. SUP.CT. ORDER, Misc. Docket No. 17-9127 (Sept. 28, 2017).

Relator Arturo Solis was declared a vexatious litigant on June 27, 2013 and is subject to a pre-filing order prohibiting relator from filing “any new litigation in a court of this State without first obtaining permission from a local administrative judge pursuant to TEX. CIV. PRAC. & REM. CODE § 11.102.” In this original proceeding, relator complains of an August 9, 2017 order denying relator’s motion for permission to file a petition for equitable bill of review and five other motions.

A person who has been declared a vexatious litigant must seek permission to file a litigation. TEX. CIV. PRAC. & REM. CODE ANN. § 11.102(a). The appropriate local

administrative judge may grant a vexatious litigant permission to file a litigation “only if it appears to the judge that the litigation (1) has merit; and (2) has not been filed for the purposes of harassment or delay.” TEX. CIV. PRAC. & REM. CODE ANN. § 11.102(d). The appropriate local administrative judge may decide the request with or without a hearing. *Id.* at § 11.102(c). The denial of permission to file a litigation is not an appealable order. TEX. CIV. PRAC. & REM. CODE ANN. § 11.102(f). A vexatious litigant who is denied permission to file a litigation may apply for a writ of mandamus within thirty days of the decision. *Reeves v. State*, No. 05-12-01142-CV, 2013 WL 1249713, *1 (Tex. App.—Dallas Feb. 13, 2013, no pet.); TEX. CIV. PRAC. & REM. CODE ANN. § 11.102(f).

Courts will grant mandamus relief to correct a clear abuse of discretion or the violation of a duty imposed by law when there is no other adequate remedy available by appeal. *In re Prudential Ins. Co. of America*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). The relator generally must bring forward all that is necessary to establish a claim for relief. *See* TEX. R. APP. P. 52.3, 52.7; *Dallas Morning News v. Fifth Court of Appeals*, 842 S.W.2d 655, 658 (Tex. 1992). An appellate court must deny mandamus relief if the relator’s petition fails to comply with the requirements of Rule 52 in such a manner that the appellate court is precluded from conducting a meaningful review of the trial court’s order. *See In re Layton*, No. 07-07-0490-CV, 2007 WL 4531939, *1 (Tex. App.—Amarillo Dec.19, 2007, orig. proceeding).

Here, relator’s petition fails to meet the requirements of Rules 52.3(j), 52.3(k), and 52.7(a) of the Texas Rules of Appellate Procedure, and the Court is unable to conduct a meaningful review of the order of which relator complains. TEX. R. APP. P. 52.3(j), 52.3(k), 52.7(a); *see also In re Spencer*, No. 05-04-00055-CV, 2004 WL 68149, *1 (Tex. App.—Dallas Jan. 16, 2004, orig. proceeding) (mem. op.) (denying petition for failure to comply with requirements of rule 52). Further, the petition does not show that the trial judge abused his

discretion in denying relator permission to file the petition for bill of review and additional motions. Accordingly, we deny relator's petition for writ of mandamus.

/Ada Brown/

ADA BROWN
JUSTICE

171143F.P05