

Denied and Opinion Filed January 31, 2018



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-18-00088-CV

IN RE VENKY VENKATRAMAN, Relator

Original Proceeding from the 255th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DF04-11968

MEMORANDUM OPINION

Before Justices Francis, Evans, and Boatright
Opinion by Justice Francis

This original proceeding is the latest of multiple proceedings filed in relation to the underlying divorce and custody dispute. Here, relator complains the trial court has not ruled on his January 9, 2018 motion for separate order in which he seeks an order on a motion to clarify final orders heard on December 15, 2017.

To obtain mandamus relief for the trial court's refusal to rule on a motion, a relator must establish: (1) the motion was properly filed and has been pending for a reasonable time; (2) the relator requested a ruling on the motion; and (3) the trial court refused to rule. *In re Craig*, 426 S.W.3d 106, 107 (Tex. App.—Houston [1st Dist.] 2012, orig. proceeding). It is relator's burden to provide the court with a record sufficient to establish his right to relief. *Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992); TEX. R. APP. P. 52.3(k), 52.7(a).

The trial court has not been given a reasonable time in which to rule on the January 9, 2018 motion for separate order. Relator is, therefore, not entitled to mandamus relief. Accordingly, we deny relator's petition for writ of mandamus.

/Molly Francis/
MOLLY FRANCIS
JUSTICE

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