

Denied and Opinion Filed December 21, 2018.



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

No. 05-18-01523-CV

IN RE DEDERIAN DEMOND HERRON, Relator

**Original Proceeding from the 44th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-18-05553**

MEMORANDUM OPINION

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

Before the Court is relator's December 19, 2018 "Motion for Procedurtal [sic] Order Motion for Stay—Writ of Mandamus." To be entitled to mandamus relief, a relator must show both that the trial court has clearly abused its discretion and that relator has no adequate appellate remedy. *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). As the party seeking relief, the relator has the burden of providing the Court with a sufficient record to establish his right to relief. *Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992) (orig. proceeding). Rules 52.3 and 52.7 require the relator to provide "a certified or sworn copy" of certain documents, including any order complained of, any other document showing the matter complained of, and every document that is material to the relator's claim for relief that was filed in any underlying proceeding. TEX. R. APP. P. 52.3(k)(1)(A), 52.7(a)(1). Relator's three-page filing includes none of the documents required by rules 52.3 and 52.7 and does not complain of any action by the trial court of which this Court could review for an abuse of discretion. Relator

has failed to meet his burden and is not entitled to mandamus relief. Accordingly, we deny relator's petition for writ of mandamus. *See* TEX. R. APP. P. 52.8(a) (the court must deny the petition if the court determines relator is not entitled to the relief sought).

/David Evans/

DAVID EVANS

JUSTICE

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