

Denied and Opinion Filed August 4, 2021



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-21-00233-CV

IN RE BRENDA L. CADDELL, Relator

Original Proceeding from the 303rd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DF-19-13738

MEMORANDUM OPINION

Before Justices Osborne, Pedersen, III, and Goldstein
Opinion by Justice Pedersen, III

Relator's April 12, 2021 petition for writ of mandamus challenges the visiting judge's order overruling her objection to the visiting judge. The record is not properly authenticated as required by the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 52.3(k) (requiring certified or sworn documents in the appendix); 52.7(a)(1) (requiring certified or sworn copy of record); *see also In re Butler*, 270 S.W.3d 757, 758–59 (Tex. App.—Dallas 2008, orig. proceeding) (denying petition for failing to comply with Rule 52's authentication requirements). Accordingly, we

deny the petition for writ of mandamus without prejudice to refiling a record that satisfies the requirements of the Texas Rules of Appellate Procedure.¹

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/Bill Pedersen, III//
BILL PEDERSEN, III
JUSTICE

¹ We have no authority to issue a writ of mandamus to a successor judge for a visiting judge's ruling. *See* TEX. R. APP. P. 7.2(b) ("If the case is an original proceeding under Rule 52, the court must abate the proceeding to allow the successor to reconsider the original party's decision."). Rule 7.2(b) would require us to give the successor judge an opportunity to reconsider the challenged order before we may consider relator's request for mandamus relief. Nevertheless, we note that our opinion does not prevent Relator from refiling another enforcement action.