

DENY and Opinion Filed January 6, 2022



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

No. 05-21-00805-CV

IN RE JAMES T. DANIEL AND KRISTI D. DANIEL, Relators

**Original Proceeding from the 380th Judicial District Court
Collin County, Texas
Trial Court Cause No. 380-52305-2021**

MEMORANDUM OPINION

Before Justices Schenck, Nowell, and Garcia
Opinion by Justice Schenck

Before the Court is relators' September 23, 2021 petition for writ of mandamus. In their petition, relators challenge the trial court's temporary order changing the conservator with the exclusive right to determine the children's primary residence.

Relators bear the burden of demonstrating their entitlement to mandamus relief. *See In re Ford Motor Co.*, 165 S.W.3d 315, 317 (Tex. 2005) (per curiam) (orig. proceeding); *Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992) (orig. proceeding). This burden includes providing this court with a record sufficient to make that showing. *See* TEX. R. APP. P. 52.3(k)(1)(A), 52.7(a)(1). Because relators have not submitted an adequate record, we are unable to conduct a meaningful

review of their claims. *See In re Athans*, 458 S.W.3d 675, 679 (Tex. App.—Houston [14th Dist.] 2015, orig. proceeding) (omission of trial exhibits rendered mandamus record insufficient). Accordingly, we deny the petition without prejudice to refiling a petition with a sufficient record.

/David J. Schenck/

DAVID J. SCHENCK
JUSTICE

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