

DENY and Opinion Filed March 25, 2022



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

No. 05-22-00239-CV

IN RE MAURICE JOEL HEROD, Relator

**Original Proceeding from the 305th Judicial District Court
Dallas County, Texas
Trial Court Cause No. JC-20-00470**

MEMORANDUM OPINION

Before Justices Osborne, Partida-Kipness, and Smith
Opinion by Justice Smith

Relator's March 22, 2022 petition for writ of mandamus challenges: (1) the trial court's denial of summary judgment, and (2) the trial court's denial of his demand for dismissal. Entitlement to mandamus relief requires relator to show that the trial court clearly abused its discretion and that he lacks an adequate appellate remedy. *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding).

As the party seeking relief, relator has the burden of providing the Court with a certified or sworn copy of every document that is material to establishing his right to mandamus relief. *See* TEX. R. APP. P. 52.3(k), 52.7(a); *In re Butler*, 270 S.W.3d 757, 759 (Tex. App.—Dallas 2008, orig. proceeding) (requiring relator to submit a

record containing certified or sworn copies). Based on the record before us, we conclude relator has not met this burden. Accordingly, we deny the petition for writ of mandamus without prejudice to refiling a petition with a record that complies with Texas Rule of Appellate Procedure 52. *See* TEX. R. APP. P. 52.3(k), 52.7(a).

/Craig Smith/
CRAIG SMITH
JUSTICE

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