

DENIED and Opinion Filed July 19, 2022



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

No. 05-22-00654-CV

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IN RE DONALD STEVENSON, Relator

**Original Proceedings from the 265th Judicial District Court
Dallas County, Texas
Trial Court Cause Nos. F12-54028-R & F12-54029-R**

MEMORANDUM OPINION

Before Justices Molberg, Pedersen, III, and Garcia
Opinion by Justice Molberg

Donald Stevenson has petitioned for a writ of mandamus against the trial court for failing to rule on three motions he alleges he filed. We deny relief.

Relator bears the burden of providing the Court with a sufficient record to show he is entitled to relief. *Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992) (orig. proceeding). In this case, relator has not carried his burden. Relator's petition is not properly certified. *See* TEX. R. APP. P. 52.3(j); *In re Butler*, 270 S.W.3d 757, 758 (Tex. App.—Dallas 2008, orig. proceeding). Furthermore, relator has filed with the petition only unauthenticated documents, rather than certified or sworn copies of the motions and other relevant documents as the rules require. *See* TEX. R. APP. P.

52.3(k)(1)(A), 52.7(a)(1); *Butler*, 270 S.W.3d at 759. Without a properly certified petition supported by an authenticated record, relator has not carried his burden. *See Butler*, 270 S.W.3d at 758–59.

Additionally, relator has not shown that he brought the motions to the trial court’s attention or reminded the trial court by letter that the motions are pending. *See In re Rangel*, 570 S.W.3d 968, 969 (Tex. App.—Waco 2019, orig. proceeding); *In re Chavez*, 62 S.W.3d 225, 228 (Tex. App.—Amarillo 2001, orig. proceeding); *see also In re Read*, No. 05-21-01014-CV, 2021 WL 6194726, at *1 (Tex. App.—Dallas Dec. 31, 2021, orig. proceeding) (mem. op.). Without such a showing, relator cannot demonstrate he is entitled to mandamus relief against the trial court for failing to rule on any pending motions. *See In re Prado*, 522 S.W.3d 1, 2 (Tex. App.—Dallas 2017, orig. proceeding) (mem. op.).

We conclude relator has not shown he is entitled to mandamus relief. Accordingly, we deny the petition for writ of mandamus. *See* TEX. R. APP. P. 52.8(a).

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/Ken Molberg//

KEN MOLBERG
JUSTICE