

**DENY and Opinion Filed August 24, 2022**



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

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**No. 05-22-00810-CV**

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**IN RE BILLY WAYNE HORTON, Relator**

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**Original Proceeding from the County Court at Law No. 2  
Rockwall County, Texas  
Trial Court Cause No. 1-20-0837**

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**MEMORANDUM OPINION**

Before Justices Myers, Nowell, and Goldstein  
Opinion by Justice Goldstein

Before the Court is relator's August 17, 2022 petition for writ of mandamus. Relator challenges the trial court's requirement that the parties in the underlying case engage in mediation. In his petition, relator argues that the underlying case should be stayed pending resolution of this original proceeding.

Entitlement to mandamus relief requires relator to show 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).

Relator has failed to comply with requirements set out in Texas Rule of Appellate Procedure 52 for filing a petition for writ of mandamus. Relator failed to certify that the factual statements in the record are true and supported by competent evidence in the record. *See* TEX. R. APP. P. 52.3(j). Relator failed to provide an appendix or record in support of the petition and thus provided no sworn or certified copy of the challenged order or ruling or of every document that is material to the relator's claim for relief that was filed in any underlying proceeding nor a properly authenticated transcript of any relevant testimony. *See* TEX. R. APP. P. 52.3(k)(1)(A), 52.7(a). We conclude that relator, as the party seeking relief, has not met the burden of providing the Court an adequate record to establish a right to mandamus relief.

Accordingly, we deny relator's petition for writ of mandamus. Having denied mandamus relief, we also deny relator's request that the underlying proceedings be stayed as moot.

/Bonnie Lee Goldstein/  
BONNIE LEE GOLDSTEIN  
JUSTICE