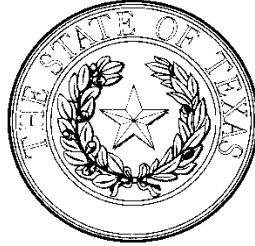


Opinion issued September 16, 2010.



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-10-00753-CV

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**IN RE RICHARD PETLEY, Relator**

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**Original Proceeding on Petition for Writ of Mandamus**

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**MEMORANDUM OPINION<sup>1</sup>**

By petition for writ of mandamus, relator, Richard Petley, seeks mandamus relief compelling the trial court to vacate its order sustaining the District Clerk's contest to relator's unsworn declaration of inability to pay costs, and asking this

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<sup>1</sup> The underlying case is *In the Matter of the Marriage of Richard Petley and Elizabeth Zinna*, Cause Number 2010-43180, pending in the 247th District Court of Harris County, Texas, the Honorable Bonnie Crane Hellums, presiding.

Court to require the trial court to allow him to proceed without paying costs or providing security.

We **deny** relator's petition for writ of mandamus. *See* TEX. R. APP. P. 9.5 (requiring service upon all parties to proceeding); TEX. R. APP. P. 52.3 (setting forth required form and content of petition); TEX. R. APP. P. 52.7(a) (requiring, *inter alia*, relator file record with certified or sworn copies of all material documents); *see also In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (holding that, in order to be entitled to relief by writ of mandamus, relator must show trial court clearly abused its discretion and relator has no adequate remedy by appeal).

### **PER CURIAM**

Panel consists of Justices Jennings, Alcala, and Sharp.