

Opinion issued May 6, 2011



In The
Court of Appeals
For The
First District of Texas

NO. 01-11-00356-CV

IN RE PRIEUR J. LEARY, JR., Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

Prieur J. Leary, Jr., proceeding pro se, has filed a letter requesting the Court's assistance in obtaining rulings from the trial court on threshold jurisdictional issues in the underlying case.¹ We construe Leary's letter as a

¹ The underlying case is *In the Matter of the Marriage of Mathilde S. Leary and Prieur James Leary, Jr.*, No. 2010-57077, in the 312th District Court of Harris County, Texas, the Honorable David Farr presiding.

petition for writ of mandamus, and we conclude that he is not entitled to mandamus relief.

Rule of Appellate Procedure 52.3 identifies the requirements for the form and contents of a petition for writ of mandamus. Leary has not complied with these requirements. *See, e.g.*, TEX. R. APP. P. 52.3(a)–(c) (requiring that petition contain list of parties and counsel, table of contents, and index of authorities); TEX. R. APP. P. 52.3(d)–(g) (requiring that petition contain statements of case, jurisdiction, issues presented, and facts); TEX. R. APP. P. 52.3(h) (requiring that petition contain clear and concise argument with appropriate citations to authorities and appendix or record); TEX. R. APP. P. 52.3(j) (requiring person filing petition to certify that every factual statement in petition is supported by competent evidence in appendix or record); TEX. R. APP. P. 52.3(k)(1) (requiring that appendix contain certified or sworn copy of any document showing matter complained of). Leary also failed to provide the Court with a mandamus record and to serve his petition on all parties to this original proceeding. *See* TEX. R. APP. P. 9.5(a) (requiring that all parties be served with copy of documents presented to Court for filing); TEX. R. APP. P. 52.7(a) (requiring relator to file certified or sworn copy of every document material to claim for relief and properly authenticated transcript of any relevant testimony). Nor has he paid the original proceedings filing fee. *See* TEX. R. APP. P. 5 (requiring payment of fees in civil cases unless indigent).

Because his request for mandamus relief does not comply with the Rules of Appellate Procedure, we deny Leary's petition for writ of mandamus.

PER CURIAM

Panel consists of Chief Justice Radack and Justices Sharp and Brown.