

Opinion issued October 6, 2011.



In The
Court of Appeals
For The
First District of Texas

NO. 01-11-00757-CR

IN RE FREDERICK CHARLES MORAN, III, Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION¹

Relator, Frederick Charles Moran, III, has filed a pro se petition for writ of mandamus, complaining that the trial court refuses to rule on his “Motion to Enter Judgment and Sentence Nunc Pro Tunc.”

¹ Relator has identified the underlying case as *State v. Moran*, Nos. 127720 and 127721, in the 228th District Court of Harris County, Texas, the Honorable Marc Carter presiding.

Relator's petition is defective. It has not been served on the other parties to this original proceeding. *See* TEX. R. APP. P. 9.5. Nor has this Court been provided with an appendix or record that contains all documents material to relator's claim for relief. *See* TEX. R. APP. P. 52.3(k), 52.7. Even putting these procedural deficiencies aside, relator has not established that he is entitled to mandamus relief. *See In re Chavez*, 62 S.W.3d 225, 228 (Tex. App.—Amarillo 2001, orig. proceeding) (noting that mandamus will not issue unless relator shows he properly filed complained-of motion and brought it to trial judge's attention, but trial judge refused to rule within reasonable time).

For these reasons, we deny the petition for writ of mandamus.

PER CURIAM

Panel consists of Justices Jennings, Sharp, and Brown.

Do not publish. TEX. R. APP. P. 47.2(b).