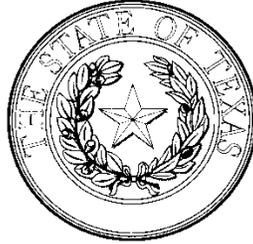


Opinion issued October 20, 2011.



In The
Court of Appeals
For The
First District of Texas

NO. 01-11-00841-CR

IN RE ROBERT O. CRAIG, Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

By petition for writ of mandamus, relator, Robert O. Craig, seeks mandamus relief compelling the trial court to rule on the motion “nunc pro tunc” he filed on

September 23, 2011.¹ Although he states in his petition that a copy of his motion is attached, no such motion is included in the appellate record.

A writ of mandamus will issue to correct a clear abuse of discretion or the violation of a duty imposed by law when there is no adequate remedy at law. *Canadian Helicopters Ltd. v. Wittig*, 876 S.W.2d 304, 305 (Tex. 1994) (orig. proceeding). If the respondent trial court has a legal duty to perform a nondiscretionary act, the relator must make a demand for performance that the respondent refuses. *Barnes v. State*, 832 S.W.2d 424, 426 (Tex. App.—Houston [1st Dist.] 1992, orig. proceeding). The relator must also provide this Court with a sufficient record to establish his right to mandamus relief. *Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992) (orig. proceeding).

Relator has not provided us with a record that shows he filed any motions or otherwise requested relief from respondent, or included a certified or sworn copy of any order complained of or any other document showing the matter complained of, *see* TEX. R. APP. P. 52.3(k)(1)(A), nor has he shown that any such motion has been pending for an unreasonable length of time. *See Barnes v. State*, 832 S.W.2d 424, 426 (Tex. App.—Houston [1st Dist.] 1992, orig. proceeding).

¹ Relator has identified the underlying case as Cause No. 1278494 in the 337th District Court of Harris County, Texas.

Therefore, the petition for writ of mandamus is **denied**.

PER CURIAM

Panel consists of Justices Jennings, Sharp and Brown.

Do not publish.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