

Revised Opinion issued December 22, 2020



In The
Court of Appeals
For The
First District of Texas

NO. 01-20-00061-CV

IN RE ROXANNE MONIQUE KENNEDY, Relator

**On Appeal from the 306th District Court
Galveston County, Texas
Trial Court Case No. 15-FD-2255**

REVISED MEMORANDUM OPINION

Relator Roxanne Monique Kennedy seeks mandamus relief concerning the trial court's failure to proceed to trial, failure to rule on pending motions, and

issuance of the November 2016 temporary order without required pleading and without the requirements of a temporary injunction.¹

The Court withdraws its opinion of April 28, 2020 and issues this opinion in its place. Because relator has not established her entitlement to mandamus relief,² we deny her petition. *See* TEX. R. APP. P. 52.8.

PER CURIAM

Panel consists of Chief Justice Radack, and Justices Kelly and Goodman.

¹ The underlying case is *In the Matter of the Marriage of Christopher Kyle Kennedy and Roxanne Kennedy and In the Interest of K.T.K. and R.V.K., Children*, cause number 15-FD-2255, pending in the 306th District Court of Galveston County, Texas, the Honorable Anne B. Darring, Presiding.

² Relator has failed to file a sufficient record to show proper filing, request for ruling, and refusal to rule on the motions the subject of this mandamus. *See O'Connor v. First Court of Appeals*, 837 S.W.2d 94, 97 (Tex. 1992) (orig. proceeding) (although duty to rule on properly-filed and pending motion is generally ministerial, relator must meet three requirements: “(1) a legal duty to perform, (2) a demand for performance, and (3) a refusal to act.”). Relator provided a trial court docket sheet of more than 60 pages and letters to the trial court listing documents. This filing is insufficient to show that relator is entitled to mandamus relief.