

**Petition for Writ of Mandamus Denied and Memorandum Opinion filed August 6, 2009.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-09-00627-CR**

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**IN RE LAWRENCE MCQUEEN, Relator**

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**ORIGINAL PROCEEDING  
WRIT OF MANDAMUS**

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**MEMORANDUM OPINION**

On July 16, 2009, relator, Lawrence McQueen, filed a petition for writ of mandamus in this court. *See* Tex. Gov't Code Ann. § 22.221 (Vernon 2004); *see also* Tex. R. App. P. 52. In the petition, relator states that he has filed a motion, and supplemental motion, to recuse the Honorable Debbie Mantooh Stricklin, presiding judge of the 180th District Court of Harris County, from his habeas corpus proceeding. Relator complains that Judge Stricklin has neither ruled on his motions to recuse nor referred them to another judge for a ruling pursuant to Rule 18a of the Texas Rules of Civil Procedure. *See* Tex. R. Civ. P.

18a.<sup>1</sup> Therefore, relator requests that we compel Judge Stricklin to either rule on his motions to recuse or to refer them to another judge for a ruling.

Relator's petition does not comply with the Texas Rules of Appellate Procedure. Relator has not provided a sworn or certified record with his petition, including his motions to recuse. *See* Tex. R. App. P. 52.7(a)(1) (requiring relator to file certified or sworn copy of every document that is material to his claim for relief). Relator further has not filed an affidavit of indigence with his petition as required by Rule 20.1. *See* Tex. R. App. P. 20.1; *see also In re Chavez*, 62 S.W.3d 225, 228 (Tex. App.—El Paso 2001, orig. proceeding) (stating that appellate court will not consider petition without affidavit of indigence).

Relator has not established his entitlement to the extraordinary relief of a writ of mandamus. Accordingly, we deny relator's petition for writ of mandamus.

#### PER CURIAM

Panel consists of Justices Seymore, Brown, and Sullivan.

Do Not Publish—Tex. R. App. P. 47.2(b).

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<sup>1</sup> Rule 18a's procedures for recusal of judges apply in criminal cases. *De Leon v. Aguilar*, 127 S.W.3d 1, 5 (Tex. Crim. App. 2004). "When a recusal motion is timely filed, Rule 18a leaves a trial judge with no discretion—the trial judge must either recuse himself or refer the motion for another judge to decide." *Id.*