



In The

Fourteenth Court of Appeals

NO. 14-10-00129-CR

IN RE WILLIAM DAVID KELLEY, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS**

MEMORANDUM OPINION

On February 10, 2010, relator, William David Kelley, 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 asks this Court to compel the Honorable Maria T. Jackson, presiding judge of the 339th District Court of Harris County, to “to credit [his] jail sentence with the presentence jail time incurred prior to his conviction.”¹

Relator’s petition does not comply with the Texas Rules of Appellate Procedure. *See* Tex. R. App. P. 52.3(j) (requiring person filing petition to certify that he has reviewed petition and concluded that every factual statement in petition is supported by competent evidence included in appendix or record); 52.7(1)(a)(1) (requiring certified or

¹ Relator names the Honorable Caprice Cosper as the respondent. However, the Honorable Maria T. Jackson is the presiding judge of the 339th District Court.

sworn copy of every document that is material to relator's claim for relief and was filed in any underlying proceeding). Moreover, relator has not paid the filing fee or filed an affidavit of indigence. *See In re Grable*, No. 14-04-00779-CV, 2004 WL 1946136, at *1 (Tex. App.—Houston [14th Dist.] Sept. 2, 2004, orig. proceeding) (mem. op.) (“[W]e are not required to rule on matters unless a filing fee has been paid or a proper affidavit of indigence has been filed.”); *see also* Tex. R. App. P. 20.1 (requiring relator to file affidavit of indigence to proceed without advance payment of costs).

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 Yates, Seymore, and Brown.

Do not publish—Tex. R. App. 47.2(b).