

**Petition for Writ of Mandamus Denied and Memorandum Opinion filed  
October 27, 2015.**



**In The**

**Fourteenth Court of Appeals**

---

**NOS. 14-15-00875-CR, 14-15-00876-  
CR, and 14-15-00877-CR**

---

**IN RE MICHAEL DAVIS, Relator**

---

**ORIGINAL PROCEEDING  
WRIT OF MANDAMUS  
228th District Court  
Harris County, Texas  
Trial Court Cause No. 331288, 331289 & 331549**

---

**MEMORANDUM OPINION**

On October 14, 2015, relator Michael Davis filed a petition for writ of mandamus in this court. *See* Tex. Gov't Code Ann. § 22.221 (West 2004); *see also* Tex. R. App. P. 52. In the petition, relator asks this court to compel the Honorable Marc Carter, presiding judge of the 228th District Court of Harris County, to rule on his "Movant's Motion for Access to the Plea Bargain."

“A party’s right to mandamus relief generally requires a predicate request for some action and a refusal of that request.” *In re Perritt*, 992 S.W.2d 444, 446 (Tex. 1999) (orig. proceeding). In particular, the relator must show that the motion was filed and that he presented it to the trial court for a ruling. *See In re Clewis*, 14-10-00086-CV, 2010 WL 547087, at \*1 n.3 (Tex. App.—Houston [14th Dist.] Feb. 18, 2010, orig. proceeding). Additionally, as the party seeking relief, the relator has the burden of providing this court with a sufficient record to establish his right to mandamus relief. *See Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992); Tex. R. App. P. 52.7(a)(1) (relator must file with petition “a certified or sworn copy of every document that is material to the relator’s claim for relief and that was filed in any underlying proceeding”).

Relator attached to his petition his “Movant’s Motion for Access to the Plea Bargain” addressed to the trial court, dated September 21, 2015. But, there is no file stamp or any other evidence in the record that the motion was actually filed and presented to the trial court. The record does not show that relator requested a ruling on the motion. Because relator has not provided an adequate record showing that he is entitled to the relief he seeks, we deny relator’s petition for writ of mandamus.

PER CURIAM

Panel consists of Chief Justice Frost and Justices Christopher and Donovan.

Do Not Publish — Tex.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