

Petition for Writ of Mandamus Denied and Opinion filed March 3, 2016.



In The

Fourteenth Court of Appeals

NO. 14-16-00137-CR

IN RE MARCUS JAMEZ LEWIS, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
182nd District Court
Harris County, Texas
Trial Court Cause No. 1398109**

MEMORANDUM OPINION

On February 23, 2016, relator Marcus Jamez Lewis 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 James Anderson, presiding judge of the 182nd District Court of Harris

County, to rule on relator's application for writ of habeas corpus which alleges that he is being illegally restrained and was filed prior to his conviction.

Relator's petition for writ of mandamus is denied because his pretrial application for writ of habeas corpus became moot after his conviction. *See Hubbard v. State*, 841 S.W.2d 33 (Tex. App.—Houston [14th Dist.] 1992, no writ); *Morris v. State*, 11-10-00332-CR, 2011 WL 1818059, at *1 (Tex. App.—Eastland May 12, 2011, pet. ref'd) (per curiam) (mem. op.).

Further, as the party seeking relief, 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's petition for writ of mandamus is also denied because he has not provided this court with a record establishing his right to mandamus relief.

PER CURIAM

Panel consists of Justices Christopher, McCally, and Busby.
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