

**Petition for Writ of Mandamus Denied and Memorandum Opinion filed
January 19, 2017.**



In The

Fourteenth Court of Appeals

NO. 14-17-00003-CV

IN RE CEDRIC D. BROWN, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
127th District Court
Harris County, Texas
Trial Court Cause No. 2015-33187**

MEMORANDUM OPINION

On January 3, 2017, relator Cedric D. Brown 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 command the

Honorable R. K. Sandill, presiding judge of the 127th District Court of Harris County, to rule on relator's petition for expunction of arrest records.

Relator alleges that he filed a petition for expunction of arrest records on or about June 5, 2015, and that he has made several written requests for the trial judge to rule on the petition, but that the trial judge has not ruled. Though the mandamus record contains copies of two letters demanding that the trial judge rule on the petition, the mandamus record does not contain a filed-stamped copy of the petition for expunction. As the party seeking relief, the relator has the burden of providing this court with a sufficient record to establish the relator's 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").

A trial court is required to rule on a request within a reasonable time after the request has been submitted to the court for a ruling or a ruling on the motion has been requested. *In re Foster*, No. 14-16-00797-CR, __ S.W.3d __, 2016 WL 6134438, at *1 (Tex. App.—Houston [14th Dist.] Oct. 20, 2016, orig. proceeding). Relator must show that the petition was filed and presented 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). Relator did not include in the record a file-stamped certified or sworn copy of the petition for expunction. *See In re Bishop*, No. 14-06-00636-CV, 2006 WL 2434200, at *1 (Tex. App.—Houston [14th Dist.] Aug. 24, 2006, orig. proceeding). Relator has

failed to establish that he is entitled to mandamus relief. Accordingly, we deny relator's petition for writ of mandamus.

PER CURIAM

Panel consists of Chief Justice Frost and Justices Brown and Jewell.