

Petition for Writ of Mandamus Denied and Opinion filed January 25, 2017.



In The

Fourteenth Court of Appeals

NO. 14-17-00055-CV

IN RE R.G AND M.G, Relators

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
306th District Court
Galveston County, Texas
Trial Court Cause No. 15-CP-0101**

MEMORANDUM OPINION

On January 23, 2017, relators R.G. and M.G. 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, relators ask this court to compel the Honorable Roy Quintanilla, presiding judge of the 306th District Court of Galveston County,

to vacate his order, signed on January 19, 2017, in which the court denies relators' request for leave to intervene and strikes relators' petition in intervention.

Relators also filed an emergency motion asking this court to stay all further proceedings in the trial court until a final decision by this court on relators' petition for writ of mandamus.

As the parties seeking relief, relators have the burden of providing this court with a sufficient record to establish their right to mandamus relief. *See Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992). Texas Rule of Appellate Procedure 52.7(a) (2) requires relators to file with their petition "a properly authenticated transcript of any relevant testimony from any underlying proceeding, including any exhibits offered in evidence, or a statement that no testimony was adduced in connection with the matter complained." *See* Tex. R. App. P. 52.7. Relators must provide this court with a mandamus record of all of the evidence presented at the hearing before this court may find that the trial court abused its discretion. *See In re Athans*, 458 S.W.3d 675, 678 (Tex. App.—Houston [14th Dist.] 2015, orig. proceeding).

Although relators included in the appendix to their mandamus petition excerpts of the transcript of the evidentiary hearing on relators' request for leave to intervene, they have not provided this court with a complete authenticated transcript of the hearing as required by Rule 52.7(a)(2). Additionally, the incomplete mandamus record provided by relators does not support their allegation that the trial court failed to consider section 102.004(b) of the Family Code that relators referenced in their First Supplemental Response to the Motion to Strike.

For these reasons, we deny, relators' petition for writ of mandamus and motion to stay, without prejudice to their refileing with a complete record.

PER CURIAM

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