

**Petition for Writ of Mandamus Denied and Memorandum Opinion filed  
March 9, 2017.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-17-00114-CV**

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**IN RE JENNIFER BRADEN, Relator**

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**ORIGINAL PROCEEDING  
WRIT OF MANDAMUS  
328th District Court  
Fort Bend County, Texas  
Trial Court Cause No. 14-DCV-216657**

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**MEMORANDUM OPINION**

On June 24, 2016, relator Jennifer Braden filed an amended 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 Ronald R. Pope, presiding judge of the 328th District Court of Fort

Bend County, to vacate his Additional Temporary Orders in Suit Affecting the Parent-Child Relationship (Temporary Orders) signed on February 3, 2017.

Relator, the mother of the child, also filed an amended emergency motion for stay asking this court to stay proceedings in the trial court and the Temporary Orders.

The trial court entered the Temporary Orders after a three-day evidentiary hearing on January 25-27, 2017. Among other things, relator argues in her petition that the trial court abused its discretion by issuing Temporary Orders that changed the person who has the exclusive right to designate the primary residence of the child from relator to the child's father because the evidence is allegedly legally insufficient to support a finding that that the child's present circumstances would significantly impair the child's physical health or emotional development as required by section 165.106(b)(1) of the Texas Family Code.

As the party seeking relief, relator has the burden of providing this court with a sufficient record to establish her right to mandamus relief *See Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992). Texas Rule of Appellate Procedure 52.7 requires that relator file with the petition a properly authenticated transcript of any relevant testimony from any underlying proceeding. *See Tex. R. App. P. 52.7(a)(2)*.

Relator has provided our court with the reporter's record for day three of the hearing on the Temporary Orders, but she has not provided the reporter's record for days one and two of the hearing. Because the reporter's record is incomplete, we cannot determine whether the trial court abused its discretion in ruling as it did. *See In re Intracare Hosp.*, No. 14-07-00127-CV, 2007 WL 704950, at \*1 (Tex.

App.—Houston [14th Dist.] Mar. 8, 2007, orig. proceeding) (per curiam).  
Accordingly, we deny relator’s petition for writ of mandamus and relator’s  
amended emergency motion for stay.

PER CURIAM

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