

Court Of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

No. 04-09-00604-CV

IN RE Ana ACEVEDO

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Karen Angelini, Justice
Phylis J. Speedlin, Justice
Steven C. Hilbig, Justice

Delivered and Filed: October 7, 2009

PETITION FOR WRIT OF MANDAMUS DENIED

On September 24, 2009, relator Ana Acevedo filed a petition for writ of mandamus, seeking to compel the trial court to vacate its September 11, 2009 “Order for Issuance of Writ of Attachment.” However, relator has the burden of providing this court with a record sufficient to establish her right to mandamus relief. *See* TEX. R. APP. P. 52.7(a) (“Relator must file with the 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”); *see also* TEX. R. APP. P. 52.3(k)(1)(A); *Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992). The record only includes the writ of

¹ This proceeding arises out of Cause No. 08-CI-09529, styled *In the Interest of S.K.*, pending in the 408th Judicial District Court, Bexar County, Texas, the Honorable Larry Noll presiding. However, the order complained of was signed by the Honorable Michael Peden, presiding judge of the 285th Civil District Court, Bexar County, Texas.

attachment and the order issuing the writ of attachment. The record fails to include the petitions and motions discussed in the petition for writ of mandamus. In addition, relator fails to provide this court with a transcript of the hearing held in the trial court on September 11, 2009.

Based on the record before us, we conclude that relator has not established the trial court abused its discretion. *See In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135 (Tex. 2004) (orig. proceeding); *Walker*, 827 S.W.2d at 839-40. Accordingly, the petition for writ of mandamus is DENIED. TEX. R. APP. P. 52.8(a).

PER CURIAM