



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-13-00026-CV

IN RE Richard PAYNE

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Catherine Stone, Chief Justice
Marialyn Barnard, Justice
Patricia O. Alvarez, Justice

Delivered and Filed: January 23, 2013

PETITION FOR WRIT OF MANDAMUS DENIED

On January 14, 2013, Relator Richard Payne filed a petition for writ of mandamus, complaining the trial court has failed to rule on his “Motion for Leave to Proceed In Forma Pauperis.” Payne, however, has the burden of providing this court with a record sufficient to establish his right to mandamus relief. *See* TEX. R. APP. P. 52.3(k)(1); TEX. R. APP. P. 52.7(a); *Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992) (orig. proceeding). Payne has failed to provide us with a record to support his claims. Accordingly, Payne’s petition for writ of mandamus is DENIED. *See* TEX. R. APP. P. 52.8(a).

PER CURIAM

¹ This proceeding arises out of Cause No. 11-12-00309-CVK, styled *Richard Payne v. Brad Livingston, et al.*, pending in the 218th Judicial District Court, Karnes County, Texas, the Honorable Stella Saxon presiding.