



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-16-00660-CV

IN RE Salatiel **POLANCO** d/b/a D&C Trucking

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Marialyn Barnard, Justice
Patricia O. Alvarez, Justice
Jason Pulliam, Justice

Delivered and Filed: December 7, 2016

PETITION FOR WRIT OF MANDAMUS DENIED

Relator filed a petition for writ of mandamus on October 10, 2016, complaining of a trial court order compelling Relator to respond to discovery and present himself for a deposition.

A party seeking mandamus relief bears the burden of providing the appellate court with a record sufficient to establish the party's right to relief. *Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992). The record should include a properly authenticated transcript if there was an evidentiary hearing and "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." TEX. R. APP. 52.7(a)(1); *Walker*, 827 S.W.2d at 837.

¹ This proceeding arises out of Cause No. 14-12-30420-MCV, styled *Margarita Trevino, Individually and as Representative of the Estate of Melissa Trevino v. Salatiel Polanco d/b/a D & C Trucking, Highway Barricades and Services, L.L.C., Anderson Columbia Co., Inc., and Flasher Equipment Co.*, pending in the 293rd Judicial District Court, Maverick County, Texas, the Honorable Cynthia L. Muniz presiding.

Relator filed no record with his petition for writ of mandamus and the documents contained in the appendix to his petition include only a copy of the order compelling discovery and copies of two pieces of correspondence that have no bearing on the merits of Relator's petition for writ of mandamus. Relator has not provided this court with a record sufficient to establish his claim for relief. Accordingly, the petition for writ of mandamus is denied. *See* TEX. R. APP. P. 52.8(a).

PER CURIAM