



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-17-00515-CV

IN RE Kevin OLIVER

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Karen Angelini, Justice
Marialyn Barnard, Justice
Rebeca C. Martinez, Justice

Delivered and Filed: August 16, 2017

PETITION FOR WRIT OF MANDAMUS DENIED

On August 10, 2017, Relator filed a petition for writ of mandamus and emergency motion for stay complaining of an order issued by the trial court compelling Relator to respond to discovery and pay court costs by August 10, 2017. Relator filed no record with the petition and no appendix to the petition.

A party seeking mandamus relief bears the burden of providing this court with a record sufficient to establish its right to relief. *Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992). When an evidentiary hearing was held by the trial court, the record should include a properly authenticated transcript, including copies of any exhibits offered in evidence. TEX. R. APP. P. 52.7(a)(2); *Walker*, 827 S.W.2d at 837. In addition, the record must include “a certified or sworn

¹ This proceeding arises out of Cause No. 16-2359-CV, pending in the 25th Judicial District Court, Guadalupe County, Texas, the Honorable William Old presiding.

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. P. 52.7(a)(1). Because Relator has not provided this court with a record sufficient to establish his claim for relief, we are unable to determine whether the trial court abused its discretion. Accordingly, the petition for writ of mandamus and emergency motion for stay are denied. *See* TEX. R. APP. P. 52.8(a).

PER CURIAM