



Fourth Court of Appeals San Antonio, Texas

MEMORANDUM OPINION

No. 04-18-00982-CV

IN RE Reginald NELSON

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice
Rebeca C. Martinez, Justice
Patricia O. Alvarez, Justice

Delivered and Filed: January 9, 2019

PETITION FOR WRIT OF MANDAMUS DENIED

Relator filed a petition for writ of mandamus complaining the trial court has refused to rule on his “Conversion/Civil Theft” claim and issue a default judgment against the defendants. Because relator has not provided this court with a sufficient record, we deny the petition for writ of mandamus.

DISCUSSION

A trial court clearly abuses its discretion when it fails to rule within a reasonable time on a properly-presented motion. *Safety-Kleen Corp. v. Garcia*, 945 S.W.2d 268, 269 (Tex. App.—San Antonio 1997, orig. proceeding). However, a relator has the burden of providing this court with a record sufficient to establish his right to mandamus relief. *See* TEX. R. APP. P. 52.7(a)(1) (requiring

¹ This proceeding arises out of Cause No. 2018CV06621, styled *Reginald Nelson v. Rita Edwards, et al.*, pending in the County Court at Law No. 3, Bexar County, Texas, the Honorable David J. Rodriguez presiding.

relator to file “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”). In a case such as this one, a relator has the burden to provide the court of appeals with a record showing the motion at issue was properly filed, the trial court was made aware of the motion, and the motion has not been ruled on by the trial court for an unreasonable period of time. *See In re Mendoza*, 131 S.W.3d 167, 167-68 (Tex. App.—San Antonio 2004, orig. proceeding).

Here, relator has not provided this court with a copy of any motion, a copy of the trial court’s docket, or any proof indicating the trial court is aware of his claims. Because relator did not provide this court with a sufficient record, relator has not shown himself entitled to mandamus relief. Accordingly, the petition for writ of mandamus is denied.

PER CURIAM