



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-19-00505-CV

IN RE GUARDIANSHIP OF HORTENCIA T. VARA, AN INCAPACITATED PERSON

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Rebeca C. Martinez, Justice
Luz Elena D. Chapa, Justice
Irene Rios, Justice

Delivered and Filed: August 7, 2019

PETITION FOR WRIT OF MANDAMUS DENIED

On June 20, 2018, Miguel Vara initiated the underlying guardianship proceeding by filing an application for appointment as the temporary guardian of the person and estate of Hortencia T. Vara. That application is apparently still pending. On June 27, 2018, Paul J. Tarski was appointed attorney ad litem for Ms. Vara. On July 25, 2019, attorney Joshua L. Carpenter filed a petition for writ of mandamus with this court in which he states he represents Ms. Vara. In the petition, Mr. Carpenter asserts the trial court has abused its discretion by not dismissing the guardianship proceeding for lack of jurisdiction. Mr. Carpenter asks this court to issue a writ of mandamus compelling the respondent to vacate all void orders and dismiss the proceeding for lack of jurisdiction.

¹ This proceeding arises out of Cause No. 14-19-00474-V, styled *In the Guardianship of Hortencia T. Vara, An Incapacitated Person*, pending in the County Court, Uvalde County, Texas, the Honorable William R. Mitchell presiding.

The mandamus record does not contain an order by the trial court denying any motion to dismiss. *See* TEX. R. APP. P. 52.3(k)(1)(A) (“The appendix must contain: (A) a certified or sworn copy of any order complained of, or any other document showing the matter complained of”); TEX. R. APP. P. 52.7(a) (“Relator must file with the petition: (1) 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; and (2) a properly authenticated transcript of any relevant testimony from any underlying proceeding, including any exhibits offered in evidence, or a statement that no testimony was adduced in connection with the matter complained.”). Because the mandamus record is not sufficient for this court to review the actions of the trial court; the petition for writ of mandamus is denied.

PER CURIAM