



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-20-00266-CV

IN RE Freddie Lee WALKER

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice
Patricia O. Alvarez, Justice
Luz Elena Chapa, Justice

Delivered and Filed: June 3, 2020

PETITION FOR WRIT OF MANDAMUS DENIED

On May 20, 2020, relator filed a pro se petition for writ of mandamus and an application to proceed in forma pauperis. We grant the motion to proceed in forma pauperis, but deny the petition for writ of mandamus.

In his petition, relator contends he filed a motion for default judgment and a motion for hearing and bench warrant. He complains the trial court has not set a hearing or issued a bench warrant, and he asks this court to issue a writ compelling the trial court to act.

A trial court clearly abuses its discretion when it fails to rule within a reasonable time on a properly-presented motion. *See 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

¹ This proceeding arises out of Cause No. 19-2808-CV-A, styled *Freddie Lee Walker v. Darrell Hunter, Justice of the Peace PCT #1, Guadalupe County, et al.*, pending in the 2nd 25th District Court, Guadalupe County, Texas, the Honorable Jessica Crawford presiding.

with a record sufficient to establish his right to mandamus relief. *See* TEX. R. APP. P. 52.7(a)(1) (requiring 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 did not provide this court with copies of his motions, proof indicating the trial court is aware of the motions, or a record establishing his motions have awaited disposition for an unreasonable time. 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