



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-21-00341-CV

IN RE Hector SANCHEZ

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Rebeca C. Martinez, Chief Justice
Patricia O. Alvarez, Justice
Liza A. Rodriguez, Justice

Delivered and Filed: September 22, 2021

PETITION FOR WRIT OF MANDAMUS DENIED

On September 2, 2021, relator filed a pro se amended petition for writ of mandamus asserting the respondent trial judge has failed to rule on his motion to transfer venue filed on May 19, 2021 and his motion to recuse filed on August 9, 2021. We may issue writs of mandamus to correct an abuse of discretion, but only when agreeable to principles of law. *See* TEX. GOV'T CODE ANN. § 22.221(b). For mandamus relief, a relator has the burden of providing this court with a record sufficient to establish the trial court violated a ministerial duty and there is no adequate remedy at law. *In re Soliz*, No. 04-18-00565-CR, 2018 WL 3998463, at *1 (Tex. App.—San Antonio Aug. 22, 2018, orig. proceeding). A trial court has a ministerial duty to rule on a properly filed and timely presented motion. *Id.* To meet his burden to show a violation of such ministerial

¹ This proceeding arises out of Cause No. 19-2853-CV-A, styled *In the Matter of the Marriage of Adela Porcallo and Hector Sanchez*, pending in the 2nd 25th Judicial District Court, Guadalupe County, Texas, the Honorable Jessica R. Crawford presiding.

duty, a relator must present a record showing the trial court was made aware of the motion at issue and the motion has not been ruled on by the trial court for an unreasonable period of time. *See id.* (denying mandamus relief when less than two months elapsed since relator allegedly filed his motions and the record did not contain a copy of the trial court's docket or other proof that established the trial court had failed to rule on his properly presented motions within a reasonable time); *see also In re Lares*, No. 04-21-00071-CR, 2021 WL 1110528, at *1 (Tex. App.—San Antonio Mar. 24, 2021, orig. proceeding) (mandamus relief denied).

After considering relator's amended petition, amended brief in support, and mandamus record, this court concludes relator has not satisfied this burden and is therefore not entitled to the relief sought. Accordingly, the amended petition for writ of mandamus is denied. *See* TEX. R. APP. P. 52.8(a).²

PER CURIAM

² Relator's motion for leave to file an amended petition for mandamus, motion to proceed *in forma pauperis*, and motion for leave to invoke TEX. R. APP. P. Rule 2 are disposed of as moot.