

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-11-00570-CV

IN RE MICHAEL DEWAYNE SMITH

Original Proceeding

MEMORANDUM OPINION

Michael Dewayne Smith seeks mandamus relief to compel the trial court to arraign Smith and to appoint counsel for Smith in a contempt proceeding. The petition neither identifies the real party in interest nor provides the name and address of counsel for the real party in interest so that we might request a response. *See* Tex. R. App. P. 52.4.

The Clerk mailed a notice to Smith that the form and contents of his petition must comply with the requirements of the Texas Rules of Appellate Procedure and provided thirty days to amend the petition. *See* Tex. R. App. P. 52.3. The Clerk mailed a notice to Smith that he must identify the real party in interest and certify that he served a copy of

the petition upon the real party in interest. *See* Tex. R. App. P. 9.5(e); *see also* Tex. R. App. P. 52.2. The correspondence has been returned with the notation that the relator has been released from the facility that is the sole contact address provided by the relator.

Smith has not shown that he is presently entitled to mandamus relief from this Court. *See In re Lewis*, No. 07-04-0432-CV, 2004 WL 2074306, at *1 (Tex. App.—Amarillo Sept. 17, 2004, orig. proceeding [mand. denied]); *In re Hensler*, 27 S.W.3d 719, 720 (Tex. App.—Waco 2000, orig. proceeding). Accordingly, the petition for writ of mandamus is denied without prejudice.

PETITION DENIED.

PER CURIAM

Opinion Delivered December 1, 2011

Before Gaultney, Kreger, and Horton, JJ.