

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-11-00630-CV

IN RE JOHN ROBERTS, JR.

Original Proceeding

MEMORANDUM OPINION

John Roberts, Jr. seeks mandamus relief to compel the trial court to rule on a motion to proceed *in forma pauperis* and a motion to recuse two judges other than the judge presiding in the trial court. *See generally* Tex. R. Civ. P. 145; Tex. R. Civ. P. 18a. We deny the petition.

We notified Roberts 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. We also notified Roberts that he must certify that he served a copy of the petition upon the real parties in interest, and we explained that the real parties in interest are the opposing parties in the underlying case.

Roberts filed an amended petition for writ of mandamus. In the amended petition, Roberts states that he is the real party in interest. Roberts fails to identify the actual real parties in interest or prove that he provided a copy of the petition to counsel for the real parties in interest. *See* Tex. R. App. P. 52.2, 52.3. Roberts failed to demonstrate his compliance with Texas Rule of Appellate Procedure 9.5. *See In re Lewis*, No. 07-04-432 CV, 2004 WL 2074306, *1 (Tex. App.—Amarillo Sep. 17, 2004, orig. proceeding [mand. denied]); *In re Hensler*, 27 S.W.3d 719, 720 (Tex. App.—Waco 2000, orig. proceeding); *see also* Tex. R. App. P. 9.5. After having been provided with an opportunity to file a proper mandamus petition, Roberts has not demonstrated his entitlement to mandamus relief. Accordingly, we deny the petition for writ of mandamus without prejudice.

PETITION DENIED.

PER CURIAM

Opinion Delivered December 22, 2011
Before McKeithen, C.J., Kreger and Horton, JJ.