

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-15-00055-CV

IN RE NATHANIEL JONES III

Original Proceeding

MEMORANDUM OPINION

Nathaniel Jones III complains that the trial court abused its discretion by failing to rule on Jones’s motions in a civil suit on file before the 172nd District Court of Jefferson County, Texas. Jones filed an original petition asserting claims against two prison employees in their individual capacities. Jones has not shown that he requested that citation issue, provided an address for service on either defendant, filed a declaration of inability to pay costs with his petition, or filed a motion to compel issuance of citation. *See Johnson v. McAdams*, 781 S.W.2d 451, 452 (Tex. App.—Houston [1st Dist.] 1989, orig. proceeding) (denying mandamus

relief when the petition failed to show the trial court breached a duty to compel the clerk to issue citation).

Relator's unsupported claim that he mailed the trial court a copy of a request for issuance of citation that Jones directed to the clerk does not establish that Jones requested a ruling by the trial court. Jones filed a written request for a final order, but it appears that Jones filed it with the clerk without asking that the request be presented to the trial court and without submitting a proposed final order for the judge's signature. To establish abuse of discretion by failing to rule on a motion, the relator must show that he asked the trial court to rule. *See In re Querishi*, No. 14-13-00300-CV, 2013 WL 1845770, at *1 (Tex. App.—Houston [14th Dist.] Apr. 30, 2013, orig. proceeding) (mem. op.). We deny the petition for writ of mandamus. *See* Tex. R. App. P. 52.8(a).

PETITION DENIED.

PER CURIAM

Submitted on March 18, 2015
Opinion Delivered March 19, 2015

Before McKeithen, C.J., Kreger and Johnson, JJ.