

NO. 07-11-00322-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL E
AUGUST 24, 2011

IN RE JAIME HERNANDEZ MUNIZ, RELATOR

Before CAMPBELL and HANCOCK, JJ. and BOYD, S.J.¹

MEMORANDUM OPINION

Relator Jamie Hernandez Muniz, a prison inmate appearing *pro se*, has filed a motion for leave to file a petition for writ of mandamus² and a petition for writ of mandamus. In his petition, relator complains that the trial court denied him due process of law by signing orders directing withdrawal of funds from his trust account. For the reasons that follow, we will deny relator's petition.

Relator has not filed a record or appendix with his petition. In an original mandamus proceeding, the petition must be accompanied by a certified or sworn copy of every document that is material to a relator's claim for relief and that was filed in any underlying proceeding. See Tex. R. App. P. 52.7(a)(1). Additionally, the petition states

¹ John T. Boyd, Chief Justice (Ret.), Seventh Court of Appeals, sitting by assignment.

² Motions for leave to file a petition for writ of mandamus are no longer required. Tex. R. App. P. 52.1 Notes and Comments.

facts not supported by evidence included in an appendix or record. A relator's burden on mandamus includes meeting the requirement that "[e]very statement of fact in the petition [is] supported by citation to competent evidence included in the appendix or record." Tex. R. App. P. 52.3(g). In short, a relator must supply a record sufficient to establish the right to mandamus relief. *Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992). Relator has not done so and we are therefore unable to determine whether he is entitled to mandamus relief.

Accordingly, relator's petition for writ of mandamus is denied and his motion for leave to file a petition for writ of mandamus is dismissed as moot. In denying relator's petition, we express no opinion on the merits of his complaint, or whether it is properly reviewable by petition for writ of mandamus. See *Harrell v. State*, 286 S.W.3d 315, 321 (Tex. 2009) (holding appellate review of a trial court's order denying an inmate's motion challenging a withdrawal order is by appeal).

James T. Campbell
Justice