



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-17-00163-CV

IN RE JUAN ESQUIVAL, JR., RELATOR

ORIGINAL PROCEEDING

June 14, 2017

MEMORANDUM OPINION

Before QUINN, C.J., and CAMPBELL and PIRTLE, JJ.

Relator Juan Esquivel, Jr., a prison inmate appearing *pro se*, filed a *Notice of Appeal and Affidavit and Motion to Compel District Attorney to Disclose Grand Jury Information* seeking to compel the Honorable Dan Schaap, Judge of the 47th District Court of Potter County, to provide Esquivel with grand jury records from his criminal conviction. We construe these documents as a single petition for writ of mandamus. See TEX. R. APP. P. 52.1.

Esquivel did not accompany his petition with the required filing fee or proof of indigence and the materials required by Chapter 14 of the Texas Civil Practice and

Remedies Code.¹ By letter of May 12, 2017, we directed Esquivel to pay the filing fee or file an affidavit of indigence, and if indigent, to comply with Chapter 14 by filing an affidavit describing his previous filings and a certified copy of his inmate trust account statement. See TEX. CIV. PRAC. & REM. CODE ANN. § 14.002(a) (stating that Chapter 14 applies to original proceedings brought by an indigent inmate in an appellate court); *In re Johnson*, No. 07-16-00354-CV, 2016 Tex. App. LEXIS 11841, at *2 (Tex. App.—Amarillo Nov. 1, 2016, orig. proceeding) (per curiam) (mem. op.) (dismissing an inmate’s petition for writ of mandamus for failure to pay the filing fee or submit the required Chapter 14 materials). Esquivel was also told that the proceeding would be dismissed if he did not file the required items by May 22, 2017.

On May 23, 2017, Esquivel requested an extension of time to file the required materials, which this Court granted to June 6. On June 6, Esquivel filed a declaration of his inability to pay costs and a certified copy of his inmate trust account statement. Esquivel did not, however, file an affidavit or declaration describing his previous filings. See TEX. CIV. PRAC. & REM. CODE ANN. § 14.004(a); *In re Hereford*, No. 07-14-00348-CV, 2014 Tex. App. LEXIS 11521, at *1-2 (Tex. App.—Amarillo Oct. 17, 2014, orig. proceeding) (per curiam) (mem. op.) (holding that an inmate’s failure to file an affidavit of previous filings warranted dismissal of his mandamus proceeding).

¹ TEX. CIV. PRAC. & REM. CODE ANN. §§ 14.001-14.014 (West 2017). Section 14.004 requires an inmate proceeding as indigent to file an affidavit detailing his previous actions and a certified copy of the inmate’s trust account statement.

Esquival has neither paid the filing fee nor proceeded properly as an indigent inmate according to the requirements of Chapter 14. Accordingly, his petition for writ of mandamus is dismissed.

Per Curiam