



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

No. 07-17-00165-CV

IN RE DON SMITH, RELATOR

OPINION ON ORIGINAL PROCEEDING FOR WRIT OF MANDAMUS

June 8, 2017

MEMORANDUM OPINION

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

Relator, Don Smith, an inmate proceeding *pro se*, filed a petition for writ of mandamus in the above-referenced cause. By letter dated May 16, 2017, this court directed Smith to pay the filing fee or comply with Chapter 14 of the Civil Practice and Remedies Code by filing 1) an affidavit of indigence, 2) an affidavit relating to previous filings, and 3) 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 inmate in an appellate court), 14.004 (West 2017). He was also told that the proceeding was subject to dismissal if he did not comply. See TEX. R. APP. P. 42.3(c).

In response, Smith filed an affidavit of indigence and a certified copy of his inmate trust account statement. However, he did not provide an affidavit identifying and describing his previous filings. That affidavit must identify and describe each action previously brought by stating the operative facts for which relief was sought; listing the case number, cause number, and the court in which the action was brought; identifying each party named in the action; and stating the result of the action. TEX. CIV. PRAC. & REM. CODE ANN. § 14.004(a), (b).

The requirement to tender an affidavit of previous filings specified by Chapter 14 is mandatory, and the lack thereof is grounds for dismissal of the original proceeding. See *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 submit an affidavit of previous filings warranted dismissal of his mandamus proceeding).

Accordingly, we dismiss the petition for writ of mandamus.

Per Curiam