



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

No. 07-17-00314-CV

IN RE R. WAYNE JOHNSON, RELATOR

ORIGINAL PROCEEDING

October 27, 2017

MEMORANDUM OPINION

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

Relator R. Wayne Johnson, a Texas prison inmate appearing *pro se*, filed a petition for writ of mandamus requesting that this Court order the Honorable John B. Board, Judge of the 181st District Court of Potter County, Texas, to file and serve an “Anti-Suit Injunction” on the Texas Department of Criminal Justice. However, Johnson 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.

By letter of August 29, 2017, we directed Johnson 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 (West 2017) (stating that Chapter 14

applies to original proceedings brought by an inmate in an appellate court); 14.004 (West 2017). The letter further notified Johnson that the proceeding would be subject to dismissal without further notice, should he fail to comply by September 8. See TEX. R. APP. P. 42.3(c).

On September 11, 2017, Johnson filed a motion for an extension of time to comply with the Court's order. By letter of September 14, we granted him an extension to September 25 to comply. On September 14, Johnson filed a motion to transfer this proceeding to another appellate court. We forwarded his motion to the Supreme Court of Texas for consideration pursuant to paragraphs 4.01 through 4.04 of Misc. Docket No. 06-9136 (Tex. Sept. 22, 2006). On October 2, the Supreme Court denied the motion. By letter of October 4, we granted Johnson additional time, until October 16, to pay the filing fee or comply with Chapter 14. To date, Johnson has neither paid the filing fee nor submitted the materials necessary to proceed under Chapter 14.

Accordingly, Johnson's petition for writ of mandamus is dismissed for failure to comply with a requirement of the appellate rules and an order of this Court. TEX. R. APP. P. 42.3(c).

Per Curiam