



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

No. 07-18-00411-CV

IN RE LONNIE KADE WELSH, RELATOR

ORIGINAL PROCEEDING

December 17, 2018

MEMORANDUM OPINION

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

Relator, Lonnie Kade Welsh, filed an application for a writ of mandamus in the above-referenced cause. He represents that 1) he “filed a writ of habeas corpus against his criminal conviction in CCR-17123-A”; 2) on the “16th day of July, the court ruled to deny the writ”; 3) he “gave notice to appeal filed in the Lamb County Clerk’s office in July, 2018 to the Seventh Court of Appeals in Amarillo”; 4) the “Lamb County Clerk took no action against this notice”; and 5) the “clerk ignored its duty to certify petitioners [sic] right to appeal of [sic] prepare the record.” Reading this as a request for an order directing the “Lamb County Clerk” to file his notice of appeal and prepare the clerk’s record, we deny it.

Though proceeding *pro se*, Welsh remains obligated to comply with applicable rules of procedure. See *In re Chavez*, No. 07-11-00369-CV, 2011 Tex. App. LEXIS 7959, at *3–4 (Tex. App.—Amarillo Oct. 5, 2011, orig. proceeding) (mem. op.) (stating that though “*pro se* filings may be reviewed less stringently than those filed by attorneys . . . a party proceeding *pro se* must still comply with rules of procedure”). One of those rules obligates the petitioner to certify that he reviewed the petition and concluded that every factual statement in the document is supported by competent evidence included in the appendix or record. TEX. R. APP. P. 52.3(j). Another rule requires the petitioner to accompany his petition with an appendix containing, among other things, a certified or sworn copy of any order complained of or any other document showing the matter about which he complains. TEX. R. APP. P. 52.3(k)(1)(A). Welsh failed to comply with either rule.

No certification under Rule 52.3(j) accompanied the petition. Nor did he attach the order purportedly denying his writ of habeas corpus, a copy of the notice of appeal he purportedly filed, any other documentation illustrating an attempt to file such a notice, or documentation illustrating he paid for the preparation of the clerk’s record, made arrangements for its payment, or was entitled to appeal without paying a fee per Texas Rule of Appellate Procedure 35.3(a)(2). Each of those items is a document showing the matter about which he complains and is necessary to enable us to determine the merits of his complaint.

Nor did Welsh heed our letter, dated November 20, 2018, directing him 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 indigent inmate in an appellate court), 14.004 (describing the steps that must be completed to proceed without payment of costs) (West 2017).

Due to the foregoing deficiencies and his noncompliance with our November 20th directive, we deny the petition for writ of mandamus.

Brian Quinn
Chief Justice