



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

No. 07-21-00048-CV

IN RE ROBERT MICHAEL PHILIPPS, RELATOR

OPINION ON ORIGINAL PROCEEDING FOR WRIT OF MANDAMUS

March 22, 2021

MEMORANDUM OPINION

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

Relator, Robert Michael Philipps, “petitions the RANDALL COUNTY CIRCUIT COURT for a WRIT IN THE NATURE OF MANDAMUS directing the Honorable FRAUSTO, Judge, RANDALL District Court, 181ST District Court” to 1) vacate an “ORDER EXPUNGING LIS PENDENS,” 2) “[r]ecuse herself from preceding [sic] further in this action, under 28 U.S.C. § 455(a) because a reasonable person may question the court’s ability to remain impartial, and act impartially and without bias,” and 3) “[t]ake [a]ll other necessary actions the court deems necessary to assure that [Relator’s] Affirmative Relief is protected” We deny the petition.

First, Texas Rule of Appellate Procedure 52.3 identifies the requirements for a petition for writ of mandamus filed in this Court. Rule 52.3(k)(1)(A) provides that the appendix to a petition for writ of mandamus must contain a certified or sworn copy of any

order complained of or any other document showing the matter about which he complains. Philipps has failed to include an appendix or a certified or sworn copy of any matter he now attacks through his mandamus petition, which would be the order “expunging lis pendens” and the motion he filed with the court requesting the trial judge to recuse itself. Philipps does mention exhibits in his petition, but none were attached to either the petition or included in an appendix.

Also lacking is compliance with other aspects of Rule 52. For instance, Philipp’s application contains no identity of the parties **and counsel**, index of authorities, statement of the case, or clear and concise arguments for the contentions made, or **appropriate citations to authorities and to the appendix or record**. Nor does he certify that he reviewed the petition and concluded that every factual statement in it is supported by competent evidence included in an appendix or record. Rule 52.3 requires one seeking extraordinary relief, such as a writ of mandamus, to include those matters in his petition. And, that Philipps may be acting *pro se* does not relieve him of complying with the rules of procedure. *Holt v. F.F. Enters.*, 990 S.W.2d 756, 759 (Tex. App.—Amarillo 1998, pet. denied).

For the foregoing reasons, Philipps’s petition for writ of mandamus is denied.

Per Curiam