



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

No. 07-21-00258-CV

IN RE CASEY G. DOBBS, RELATOR

ORIGINAL PROCEEDING

February 25, 2022

MEMORANDUM OPINION

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

Relator, Casey G. Dobbs, a prison inmate proceeding in forma pauperis, has filed a petition for writ of mandamus with this Court. By his petition, Dobbs asks this Court to direct respondent, the Honorable Roland Saul, to enter “default judgement or summary judgement or in lieu order service by Court Order upon defendants.” We deny the petition.

Mandamus is an extraordinary remedy granted only when a relator can show that (1) the trial court clearly abused its discretion, and (2) no adequate appellate remedy exists. *In re H.E.B. Grocery Co., L.P.*, 492 S.W.3d 300, 302 (Tex. 2016) (orig. proceeding) (per curiam). When seeking mandamus relief, the relator bears the burden of proving these requirements. *Walker v. Packer*, 827 S.W.2d 833, 840 (Tex. 1992) (orig.

proceeding). To meet this burden, relator must provide a record sufficient to establish his right to mandamus relief. *Id.* at 837.

Texas Rule of Appellate Procedure 52.3 identifies the requirements for a petition for writ of mandamus. While Dobbs made a genuine effort to comply with the rule, his petition falls short in several material respects. In his petition, Dobbs cites authority establishing that it is his burden to prove his entitlement to mandamus relief but then fails to cite any authority supporting his arguments as to why he is entitled to mandamus relief. Rather, Dobbs makes allegations that are not supported by any references to the record or his appendix. Texas Rule of Appellate Procedure 52.3(h) requires that a mandamus petition must contain a “clear and concise argument for the contentions made” with citations to law and the appendix or record. See TEX. R. APP. P. 52.3(h). Dobbs’s petition does not comply with this requirement.

Likewise, Rule 52.3(k)(1)(A) requires that a petition include an appendix that contains “a certified or sworn copy of any order complained of, or any other document showing the matter complained of” See TEX. R. APP. P. 52.3(k)(1)(A) (“Necessary Contents”). Here, Dobbs’s appendix contains a September 27, 2021 letter from the Oldham County District Clerk acknowledging that a “motion for default judgment” was filed and providing that a file-stamped copy was attached, a “supplemental pleading” file-stamped September 10, 2021, two notifications from the United States District Court for the Northern District of Texas that Dobbs’s case is on appeal, instructions from the U.S. District Court for the Northern District to a “Prisoner *Pro Se* Plaintiff,” and what appears to be a complaint directed to the Federal Bureau of Investigations, Dallas Field Office.

None of these documents are relevant to Dobbs's claims. Consequently, Dobbs's petition does not comply with this requirement.

Finally, Rule 52.3(i) provides that the petition must contain a short conclusion that clearly states the nature of the relief sought. See TEX. R. APP. P. 52.3(i). Dobbs's petition is unclear as to the nature of the relief he seeks. He indicates that he wants a default or summary judgment but does not identify the nature or procedural history of the claim for which he requests such relief. He also argues that the defendants in this claim are "refusing" service, so it appears that Dobbs may be seeking judicial effectuation of service. Regardless, the nature of the relief sought by Dobbs is not clear from his petition. As such, he has failed to comply with this requirement.

For the foregoing reasons, we deny Dobbs's petition for mandamus relief.

Judy C. Parker
Justice