



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

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No. 07-21-00311-CR

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**IN RE CURTIS JAMES MCGUIRE, RELATOR**

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**ORIGINAL PROCEEDING**

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**January 3, 2022**

**MEMORANDUM OPINION**

**Before PIRTLE and PARKER and DOSS, JJ.**

Relator, Curtis James McGuire, has filed a petition for writ of mandamus with this Court. By this petition, McGuire appears to ask the Court to direct Respondent, the Honorable Dan Schaap, to rule on McGuire's "Nunc Pro Tunc Motion." We deny the petition.

Texas Rule of Appellate Procedure 52.3 identifies the requirements for a petition for writ of mandamus filed in this Court. McGuire's petition fails to comply with these requirements. Rule 52.3(a) requires that a petition must include a complete list of all parties and the names and addresses of all counsel. McGuire's petition does not list the names of the parties against whom he seeks mandamus relief apart from their

identification in the argument portion of his petition, and wholly fails to identify their counsel. Rule 52.3(b) requires that the petition include a table of contents with references to the pages of the petition and an indication of the subject matter of each issue or point raised in the petition. McGuire's petition includes no table of contents. Rule 52.3(c) requires that a petition include an index of authorities in which all authorities cited in the petition are arranged alphabetically and the page(s) upon which the authorities are cited is indicated. McGuire's petition includes no index of authorities. Rule 52.3(d) requires a statement of the case. McGuire's petition does not contain a statement of the case and does not specifically identify the nature of the underlying proceeding. Rule 52.3(e) requires a statement of jurisdiction. McGuire's petition does not include a statement of jurisdiction. Rule 52.3(f) requires the petition include a concise statement of all issues or points presented for relief. McGuire's petition includes no such statement. Rule 52.3(g) requires the petition include a concise statement of facts pertinent to the issues or points presented. McGuire's petition includes no such statement. Rule 52.3(h) requires the petition contain a "clear and concise argument for the contentions made" with citations to law and to the record. McGuire's petition is not clear as to the relief that he seeks and, as such, does not establish how he is entitled to the relief sought. Rule 52.3(i) requires the petition contain a short conclusion that clearly states the nature of the relief sought. McGuire's petition contains a conclusion that identifies the nature of the relief he seeks but the basis for this relief remains unclear. Rule 52.3(j) requires that the person filing the petition must certify that he or she has reviewed the petition and concluded that every factual statement in the petition is supported by competent evidence included in the appendix or record. McGuire's petition does not include this certification. Finally, Rule

52.3(k)(1)(A) requires that an appendix to the petition contain a certified or sworn copy of any order complained of, or any other document showing the matter complained of. McGuire's petition contains no appendix which makes it impossible for this Court to determine the nature of the relief he is seeking by his "Nunc Pro Tunc Motion." Each of these items are required in a petition for writ of mandamus and, as McGuire failed to include them in his petition, we cannot grant the relief that he requests.

For the foregoing reasons, we deny McGuire's petition for writ of mandamus.

Judy C. Parker  
Justice

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