



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

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No. 07-22-00105-CR

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IN RE DAVID LEWIS HOLLAND, RELATOR

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ORIGINAL PROCEEDING

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April 26, 2022

**MEMORANDUM OPINION**

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

Relator, David Lewis Holland, a prison inmate proceeding pro se, has filed a letter which this Court construes to be a petition for writ of mandamus. By this correspondence, Holland seeks to compel the Honorable Doug Woodburn to rule on pending motions filed by Holland and appoint different counsel to represent him in his criminal trial. 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 two requirements. *Walker v. Packer*, 827 S.W.2d 833, 840 (Tex. 1992) (orig. proceeding). To meet this burden, the relator must provide a record sufficient to establish his right to mandamus relief. *Id.* at 837; *In re Johnson*, No. 06-13-00137-CV, 2014 Tex. App. LEXIS 52, at \*1-2 (Tex. App.—Texarkana Jan. 7, 2014, orig. proceeding) (mem. op.).

Holland has failed to comply with the mandatory requirements for relief identified by Rule 52.3 of the Texas Rules of Appellate Procedure. Of particular import to the issues he presents by his petition, Holland’s petition does not contain any citations to authorities or the appendix or record,<sup>1</sup> does not concisely state all issues presented for relief or clearly identify the nature of the relief sought,<sup>2</sup> and does not contain a certified or sworn copy of any order or other document showing the matter complained of.<sup>3</sup> A party proceeding pro se is not exempt from complying with the rules of procedure. *Wheeler v. Green*, 157 S.W.3d 439, 444 (Tex. 2005) (per curiam); *Mansfield State Bank v. Cohn*, 573 S.W.2d 181, 184-85 (Tex. 1978). Relator’s failure to comply with the requirements of Rule 52 requires denial of the petition. *In re Smith*, No. 07-19-00402-CV, 2020 Tex. App. LEXIS 775, at \*2 (Tex. App.—Amarillo Jan. 28, 2020, orig. proceeding) (mem. op.).

Holland’s requested mandamus relief is denied.

Per Curiam

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<sup>1</sup> See TEX. R. APP. P. 52.3(h).

<sup>2</sup> See TEX. R. APP. P. 52.3(f), (i). Holland does not specify the motions upon which he claims the trial court has not ruled. Further, his request for appointment of different counsel acknowledges that the trial court has heard his attorney’s motion to withdraw but overruled the same.

<sup>3</sup> See TEX. R. APP. P. 52.3(k)(1)(A). Holland’s petition does not include an appendix and Holland has not caused a record of the proceedings complained of to be filed.