



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

No. 07-22-00263-CR

IN RE RICKY BOLTON, RELATOR

ORIGINAL PROCEEDING

October 28, 2022

MEMORANDUM OPINION

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

Relator Ricky Bolton, proceeding pro se, has filed a letter requesting relief from this Court. Bolton characterizes his filing as a petition for mandamus relief and we will construe it as such. 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.). The record must include “a certified or sworn copy of any order complained of, or any other document showing the matter complained of.” TEX. R. APP. P. 52.3(k)(1)(A). Additionally, the relator must provide a record that includes a certified or sworn copy of every document that is material to his claim and that was filed in any underlying proceeding. TEX. R. APP. P. 52.7(a)(1). Bolton has not filed any record in this proceeding and has thus failed to establish his entitlement to relief.

Moreover, Bolton has failed to comply with most of the mandatory requirements for relief identified by Rule 52.3 of the Texas Rules of Appellate Procedure. Specifically, the petition does not include the name of the judge against whom relief is sought and does not provide a concise description of the respondent’s action from which the relator seeks relief. TEX. R. APP. P. 52.3(d)(2), (3). Bolton fails to state the basis of this Court’s jurisdiction over the original proceeding. TEX. R. APP. P. 52.3(e). Bolton has not included a statement of facts that concisely states the facts pertinent to the issues or points presented. TEX. R. APP. P. 52.3(g). Finally, Bolton’s petition does not include a clear and concise argument for the contentions made with appropriate citations to the appendix or record. TEX. R. APP. P. 52.3(h).

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.).

Therefore, we deny Bolton's petition for writ of mandamus.

Judy C. Parker
Justice

Do not publish.