



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-10-00111-CV

IN RE: ANDREW JACKSON

Original Mandamus Proceeding

Before Morriss, C.J., Carter and Moseley, JJ.
Memorandum Opinion by Chief Justice Morriss

MEMORANDUM OPINION

Inmate Andrew Jackson filed a civil suit against Gayle Hadaway in the 115th Judicial District Court of Upshur County, Texas. His petition for writ of mandamus complains that the trial court allegedly failed to rule on a motion for default judgment. Jackson asks this Court to compel the trial court to rule on the motion and award damages.

Mandamus is an extraordinary remedy that issues only to correct a clear abuse of discretion or violation of a duty imposed by law when no other adequate remedy by law is available. *In re Ford Motor Co.*, 988 S.W.2d 714, 721 (Tex. 1998) (orig. proceeding) (citing *Walker v. Packer*, 827 S.W.2d 833, 840 (Tex. 1992)). Due to the nature of this remedy, it is Jackson’s burden to properly request and show entitlement to the mandamus relief. *Barnes v. State*, 832 S.W.2d 424, 426 (Tex. App.—Houston [1st Dist.] 1992, orig. proceeding) (per curiam) (“Even a pro se applicant for a writ of mandamus must show himself entitled to the extraordinary relief he seeks.”).

The absence of a mandamus record prevents us from evaluating the circumstances of this case and, consequently, the merits of Jackson’s complaints. TEX. R. APP. P. 52.7; *Barnes*, 832 S.W.2d at 426. Therefore, we must deny his petition for writ of mandamus.

Josh R. Morriss, III
Chief Justice

Date Submitted: October 21, 2010
Date Decided: October 22, 2010