



IN THE  
TENTH COURT OF APPEALS

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No. 10-10-00197-CR

IN RE LOYD TOM LOGAN, JR.

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Original Proceeding

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MEMORANDUM OPINION

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Loyd Tom Logan, Jr. seeks a writ of mandamus compelling Respondent, the Honorable Cindy Polley, County Clerk of Ellis County, to file his "Motion for Nunc Pro Tunc."<sup>1</sup> We will deny Logan's request for mandamus relief.

When a [county] clerk refuses to accept a pleading for filing, the party should attempt to file the pleading directly with the [county court at law] judge, explaining in a verified motion that the clerk refused to accept the pleading for filing. Should the [county court at law] judge refuse to accept the pleading for filing, this Court would have jurisdiction under our mandamus power to direct the [county court at law] judge to file the pleading.

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<sup>1</sup> We apply Rule of Appellate Procedure 2 to disregard numerous deficiencies in Logan's mandamus pleadings, including his failures to include the required contents, certification, appendix, and record. *See* TEX. R. APP. P. 2; *see also* TEX. R. APP. P. 52.3; TEX. R. APP. P. 52.7(a).

*In re Simmonds*, 271 S.W.3d 874, 879 (Tex. App.—Waco 2008, orig. proceeding) (citation and footnote omitted) (quoting *In re Bernard*, 993 S.W.2d 453, 455 (Tex. App.—Houston [1st Dist.] 1999, orig. proceeding) (O'Connor, J., concurring)).

Here, there is no indication that Logan followed this procedure. Accordingly, we deny his mandamus petition.

FELIPE REYNA  
Justice

Before Chief Justice Gray,  
Justice Reyna, and  
Justice Davis

Petition denied

Opinion delivered and filed June 23, 2010

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[OT06]