



**IN THE  
TENTH COURT OF APPEALS**

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**No. 10-10-00260-CV**

**IN RE TONY R. MITCHELL**

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**Original Proceeding**

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**MEMORANDUM OPINION**

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Tony Ray Mitchell, an inmate at the time, sent a petition for writ of mandamus against the trial judge of the 18th District Court in Johnson County, to the Second Court of Appeals in Fort Worth. Because Johnson County is within our territorial jurisdiction and not the Second Court's jurisdiction, the Second Court forwarded the petition to us. We accepted the petition and filed it.

It appears that Mitchell is complaining about not receiving notice of a judgment from the trial court when Mitchell had filed an answer and had filed motions and objections to the suit on file with the trial court. From the documentation submitted by Mitchell, the trial court has set the matter for a hearing on August 16, 2010. There does

not appear to be any reason why Mitchell could not be present at the hearing to participate and obtain rulings on his motions and objection.

Nevertheless, there are numerous procedural problems with the petition. We use Rule 2 to look beyond those problems and deny the petition. *See* TEX. R. APP. P. 2.

TOM GRAY  
Chief Justice

Before Chief Justice Gray,  
Justice Reyna, and  
Justice Davis

Petition denied

Opinion delivered and filed July 28, 2010

[OT06]