



**IN THE
TENTH COURT OF APPEALS**

No. 10-16-00369-CV

IN RE MIKE HICKS

Original Proceeding

MEMORANDUM OPINION

Relator's Petition for Writ of Mandamus is denied.¹

TOM GRAY
Chief Justice

¹ Petitioner filed an emergency motion to stay an order of the trial court without filing a petition for writ of mandamus on a separate but related issue on October 12, 2016. *See In re Hicks*, No. 10-16-00332-CV, 2016 Tex. App. LEXIS 11172 (Tex. App.—Waco Oct. 13, 2016, orig. proceeding) (publish). In that proceeding, the petitioner sought to stay a trial court order to pay settlement funds into the registry of the court. No petition was ever filed. Because no petition had been filed, we dismissed the proceeding on October 13, 2016 without prejudice to file a new proceeding. The fees for that proceeding remain unpaid. Petitioner improperly attempted to file this petition and emergency motion to stay a trial alleged to be set for November 9, 2016 in 10-16-00332-CV, the previously filed proceeding. It is not the same proceeding because it attacks a different alleged trial court order and seeks different relief and must be set up with a new docket number. The fees for filing this petition and emergency motion have also not been paid. The petitioner is clearly not indigent as the current disputes relate to a disagreement between attorneys over the contingent fee from a \$500,000 settlement. The Clerk of this Court is directed to not accept further filings from this petitioner until the fees due have been paid (unless the petitioner follows the appropriate procedures necessary to proceed without the payment of cost). *See* TEX. R. APP. P. 12.1(b); 20.1.

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Petition denied
Opinion delivered and filed November 9, 2016
[OT06]

