

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-16-00717-CV

In re Ardell Nelson, Jr.

ORIGINAL PROCEEDING FROM TRAVIS COUNTY

MEMORANDUM OPINION

Relator Ardell Nelson, Jr., an inmate proceeding pro se, has filed a petition for writ of mandamus, asking this Court to direct the district court to rule on a motion that he claims to have filed in the court below. However, Nelson has failed to provide this Court with a copy of the motion, any correspondence to the district court requesting a ruling on that motion, or any other documentation indicating that the motion was properly filed in the district court below and that the district court failed to rule on the motion within a reasonable time. On this record, we cannot conclude that Nelson is entitled to the extraordinary relief requested.¹ Accordingly, the petition for writ of mandamus is denied.²

¹ See *State ex rel. Curry v. Gray*, 726 S.W.2d 125, 128 (Tex. Crim. App. 1987); *In re Keeter*, 134 S.W.3d 250, 252 (Tex. App.—Waco 2003, orig. proceeding); *In re Villarreal*, 96 S.W.3d 708, 710 (Tex. App.—Amarillo 2003, orig. proceeding); *Ex parte Bates*, 65 S.W.3d 133, 135 (Tex. App.—Amarillo 2001, orig. proceeding) *see also* Tex. R. App. P. 52.7(a)(1) (relator must file with petition “a certified or sworn copy of every document that is material to the relator’s claim for relief and that was filed in any underlying proceeding”).

² See Tex. R. App. P. 52.8.

Bob Pemberton, Justice

Before Justices Puryear, Pemberton, and Field

Filed: November 4, 2016