

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-21-00188-CV

In re Jerel Smith

ORIGINAL PROCEEDING FROM TRAVIS COUNTY

MEMORANDUM OPINION

Relator Jerel Smith has filed a petition for writ of mandamus complaining of the trial court's failure to rule on his petition pending in the district court. In such situations, a relator must establish the following to obtain relief: (1) the request was properly filed and had been pending for a reasonable time; (2) the relator brought the request to the Court's attention or otherwise requested a ruling on the motion; and (3) the trial court refused to rule. *See, e.g., In re Douglas*, No. 03-20-00589-CV, 2020 WL 7640147, at *1 (Tex. App.—Austin Dec. 23, 2020, no pet.).

On this record, having reviewed the relator's petition for writ of mandamus, we deny the petition for writ of mandamus. *See* Tex. R. App. P. 52.8(a).

Chari L. Kelly, Justice

Before Justices Goodwin, Triana, and Kelly

Filed: May 5, 2021