



**NUMBER 13-08-00453-CR**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**IN RE EFRAIN MALDONADO**

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**On Petition for Writ of Mandamus**

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**MEMORANDUM OPINION**

**Before Justices Rodriguez, Garza, and Vela  
Per Curiam Memorandum Opinion**

Relator, Efrain Maldonado, pro se, filed a petition for writ of mandamus in the above cause on July 28, 2008. The Court, having examined and fully considered the petition for writ of mandamus, is of the opinion that relator has not shown himself entitled to the relief sought. The petition generally fails to comply with Texas Rule of Appellate Procedure 52.3 and does not include a sufficient record to establish the right to mandamus relief. See TEX. R. APP. P. 52.3, 52.7. Further, the petition for writ of mandamus fails to establish that the district court has abused its discretion or violated a duty imposed by law. Relator has not shown that the trial court: (1) had a legal duty to perform a nondiscretionary act, (2) was asked to perform the act, and (3) failed or refused to do so. See *In re Chavez*, 62 S.W.3d

225, 228 (Tex. App.–Amarillo 2001, orig. proceeding). Accordingly, the petition for writ of mandamus is hereby DENIED. See TEX. R. APP. P. 52.8(a).

PER CURIAM

Memorandum Opinion delivered and filed  
this 30th day of July, 2008.