



NUMBER 13-10-00597-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN RE: LEOPOLDO LEAL

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

**Before Justices Yañez, Garza, and Benavides
Per Curiam Memorandum Opinion**

Relator, Leopoldo Leal, pro se, filed a petition for writ of mandamus in the above cause on October 22, 2010, complaining generally that the trial court has discriminated against him because he has not retained counsel to represent him in his civil lawsuit wherein he seeks damages for an alleged theft. We deny the petition for writ of mandamus.

It is the relator's burden to provide this Court with a sufficient petition and record to establish his right to mandamus relief. *See generally* TEX. R. APP. P. 52. Specifically, for instance, the relator must file an appendix with the petition for writ of mandamus,

and the appendix must include, inter alia, a certified or sworn copy of any order complained of, or any other document showing the matter complained of. See *id.* 52.3(k). The relator must also file a record including 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,” and “a properly authenticated transcript of any relevant testimony from any underlying proceeding, including any exhibits offered in evidence, or a statement that no testimony was adduced in connection with the matter complained.” See *id.* 52.7(a). Further, relator must file a certification with the petition for the petition for writ of mandamus stating that every factual statement in the petition is supported by competent evidence included in the appendix or record. See *id.* 52.3(j). Finally, the petition for writ of mandamus must contain a “clear and concise argument for the contentions made, with appropriate citations to authorities and to the appendix or record.” See *id.* 52.3(h). In the instant case, relator has failed to meet these requirements and has thus failed to provide this Court with a petition and record sufficient to establish his right to mandamus relief.

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. Accordingly, the petition for writ of mandamus is DENIED. See *id.* 52.8(a).

PER CURIAM

Memorandum Opinion delivered the
26th day of October, 2010.