



**NUMBER 13-17-00179-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**IN RE MELODIO REYES**

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**On Petition for Writ of Mandamus.**

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## **MEMORANDUM OPINION**

**Before Chief Justice Valdez and Justices Rodriguez and Hinojosa  
Memorandum Opinion by Justice Hinojosa<sup>1</sup>**

Melodio Reyes filed a pro se petition for writ of mandamus in this cause on April 10, 2017. Although the petition is unclear, it appears that relator seeks to compel the trial court to rule on and grant his request “for annulment of child support payments in arrears.” Relator has not filed an appendix or record in support of his request for relief.

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<sup>1</sup> See TEX. R. APP. P. 52.8(d) (“When granting relief, the court must hand down an opinion as in any other case,” but when “denying relief, the court may hand down an opinion but is not required to do so.”); TEX. R. APP. P. 47.4 (distinguishing opinions and memorandum opinions).

Mandamus is an extraordinary remedy. *In re H.E.B. Grocery Co.*, 492 S.W.3d 300, 302 (Tex. 2016) (orig. proceeding) (per curiam). Mandamus relief is proper to correct a clear abuse of discretion when there is no adequate remedy by appeal. *In re Christus Santa Rosa Health Sys.*, 492 S.W.3d 276, 279 (Tex. 2016) (orig. proceeding). The relator bears the burden of proving both of these requirements. *In re H.E.B. Grocery Co.*, 492 S.W.3d at 302; *Walker v. Packer*, 827 S.W.2d 833, 840 (Tex. 1992) (orig. proceeding). In addition to other requirements, the relator must include a statement of facts supported by citations to “competent evidence included in the appendix or record,” and must also provide “a clear and concise argument for the contentions made, with appropriate citations to authorities and to the appendix or record.” See *generally* TEX. R. APP. P. 52.3. The appellate rules require the relator to furnish an appendix and record sufficient to support the claim for mandamus relief. See *id.* R. 52.3(k) (specifying the required contents for the appendix); R. 52.7(a) (specifying the required contents for the record).

The Court, having examined and fully considered the petition for writ of mandamus and the applicable law, is of the opinion that relator has not shown himself entitled to the relief sought. Accordingly, we DENY the petition for writ of mandamus. See TEX. R. APP. P. 52.8(a). Relator’s motion to proceed in forma pauperis is DISMISSED as moot.

LETICIA HINOJOSA  
Justice

Delivered and filed the  
17th day of April, 2017.