

**NO. 12-14-00006-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

*IN RE: AARON VAUGHAN*

§

*AND LACY VAUGHAN,*

§

*ORIGINAL PROCEEDING*

*RELATORS*

§

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***MEMORANDUM OPINION  
PER CURIAM***

On January 7, 2014, James R. Volberding filed this original mandamus proceeding as counsel for Lacy Vaughan. Aaron Vaughan is also named as a relator in the petition, and his counsel is identified as Cameron Castleberry. Volberding signed the mandamus petition “for Mr. Castleberry, for Mr. Vaughan.”<sup>1</sup>

On January 17, 2014, this court notified Castleberry that the petition for writ of mandamus fails to comply with the rules of appellate procedure because it does not include his signature as counsel for Aaron Vaughan. Castleberry was further notified that the petition would be referred to the court for dismissal as to Aaron Vaughan unless, on or before January 22, 2014, the court was provided with counsel’s original signature. *See In re State*, 26 S.W.3d 759, 759 (Tex. App.–Waco 2000, orig. proceeding) (denying mandamus relief for failure to provide signature and proper proof of service).

The January 22, 2014 deadline has now passed, and counsel has neither provided his original signature nor otherwise responded to this court’s notice. Accordingly, as to Aaron Vaughan only, the petition for writ of mandamus is *dismissed*. *See* TEX. R. APP. P. 42.3(c) (permitting involuntary dismissal of civil case for failure to comply with notice from appellate court clerk requiring response or other action); *see also, e.g., In re Silvio*, No. 01-12-00340-CV,

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<sup>1</sup> The petition was not electronically filed.

2012 WL 2463835, at \*1 (Tex. App.–Houston [1st Dist.] June 28, 2012, orig. proceeding) (per curiam) (applying Rule 42.3(c) in original mandamus proceeding).

Opinion delivered January 29, 2014.

*Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*

(PUBLISH)



## COURT OF APPEALS

### TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

#### JUDGMENT

JANUARY 29, 2014

NO. 12-14-00006-CV

IN RE: AARON VAUGHAN AND LACY VAUGHAN,  
Relators

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#### ORIGINAL PROCEEDING

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ON THIS DAY came to be heard the petition for writ of mandamus filed by **AARON VAUGHAN AND LACY VAUGHAN**, who are the respondents in Cause No. 12-1255-D, pending on the docket of the 321st Judicial District Court of Smith County, Texas. Said petition for writ of mandamus having been filed herein on January 7, 2014, and the same having been duly considered, because it is the opinion of this Court that this original proceeding should be dismissed as to Aaron Vaughan, it is therefore **CONSIDERED, ADJUDGED and ORDERED** that the said petition for writ of mandamus be, and the same is, hereby **DISMISSED AS TO AARON VAUGHN ONLY**.

By *per curiam* opinion.  
*Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*