

**NO. 12-14-00259-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

*IN RE:*

§

*VIRGINIA M. THORNTON,*

§

*ORIGINAL PROCEEDING*

*RELATOR*

§

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***MEMORANDUM OPINION  
PER CURIAM***

In this original mandamus proceeding, Relator, Virginia M. Thornton, requests, in part, that this court direct the trial court to “vacate [its] temporary order and grant Relator permanent custody of Relator[’]s minor child, and to dismiss the cause on lack of standing and refusal to change venue to Harris County, Texas.” We deny the petition.

An original appellate proceeding such as this one is commenced by filing a petition with the clerk of the appropriate appellate court. TEX. R. APP. P. 52.1. The form and contents of the petition are prescribed by Rule 52.3, which requires that each petition be accompanied by an appendix. TEX. R. APP. P. 52.3(k). The appendix must contain, among other items, a certified or sworn copy of any order complained of. TEX. R. APP. P. 52.3(k)(1)(A).

Here, Thornton complains of a temporary order dated August 9, 2013, granting her child’s paternal grandmother temporary custody with Thornton having only standard visitation rights. However, no such order is included with her petition. *See* TEX. R. APP. P. 52.3(k)(1)(A) (requiring certified or sworn copy of any order complained of). In a letter dated September 8, 2014, this court notified Thornton that her petition does not comply with Texas Rule of Appellate Procedure 52.3(k)(1)(A). She was also requested to amend her petition, on or before September 18, 2014, to include the omitted document. However, Thornton has not done so, nor has she otherwise responded to this court’s notice. Without a copy of the order complained of,

we cannot determine whether Thornton is entitled to any portion of the relief she seeks. Accordingly, we **deny** her petition for writ of mandamus.

Opinion delivered September 24, 2014.

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

(PUBLISH)



## COURT OF APPEALS

### TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

#### JUDGMENT

SEPTEMBER 24, 2014

NO. 12-14-00259-CV

**VIRGINIA M. THORNTON,**

Relator

V.

,

**HON. MARK A. CALHOON,**

Respondent

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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 **VIRGINIA M. THORNTON**, who is the relator in Cause No. 13-0098, pending on the docket of the 3rd Judicial District Court of Houston County, Texas. Said petition for writ of mandamus having been filed herein on September 8, 2014, and the same having been duly considered, because it is the opinion of this Court that a writ of mandamus should not issue, it is therefore **CONSIDERED, ADJUDGED and ORDERED** that the said petition for writ of mandamus be, and the same is, hereby **DENIED**.

By *per curiam* opinion.

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