

NO. 12-14-00291-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

*IN RE:* §  
*RICKEY SCURLOCK,* § *ORIGINAL PROCEEDING*  
*RELATOR* §

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*MEMORANDUM OPINION*  
*PER CURIAM*

In this original mandamus proceeding, Relator Rickey Scurlock alleges that he has filed a third amended petition to be served on the defendant in a civil suit and the trial court “has not acknowledged his or her ministerial duty regarding that motion filed by the relator.” He requests a writ of mandamus “ordering the respondent to respond accordingly regarding this matter.”

Generally, a party seeking mandamus relief must bring forward all that is necessary to establish his claim for mandamus relief. *See* TEX. R. APP. P. 52. For example, he must file a petition that includes a statement of the case, the issues presented, and the facts. TEX. R. APP. P. 52.3(d), (f), (g). The petition must also contain a clear and concise argument for the contentions made, with appropriate citations to authorities and to the appendix or record. TEX. R. APP. P. 52.3(h). Moreover, the relator must provide an adequate record to substantiate the allegations contained in the petition for mandamus. *Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992). Relator’s motion does not comply with these requirements.<sup>1</sup> Therefore, we are unable to determine that he is entitled to relief. Accordingly, the petition for writ of mandamus is *denied*.

Relator also filed a motion for leave to file his petition for writ of mandamus. Because a motion for leave is no longer necessary, we *dismiss* the motion as moot. *See* TEX. R. APP. P. 52 & cmt.

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<sup>1</sup> By letter dated October 14, 2014, we have notified Relator of these and other defects in his petition for writ of mandamus.

Opinion delivered October 15, 2014.  
*Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*

(PUBLISH)



## COURT OF APPEALS

### TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

#### JUDGMENT

OCTOBER 15, 2014

NO. 12-14-00291-CV

**RICKEY SCURLOCK,**

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 **RICKEY SCURLOCK**, who is the relator in Cause No.14-0017, 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 October 14, 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.*