

NO. 12-17-00386-CV
IN THE COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT
TYLER, TEXAS

IN RE: §
VICTOR VEGA, § *ORIGINAL PROCEEDING*
RELATOR §

MEMORANDUM OPINION
PER CURIAM

Victor Vega, an inmate acting pro se, has filed an original proceeding in which he complains of the trial court’s failure to file findings of fact and conclusions of law. 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. This entails filing an appendix and record as part of the petition. *See* TEX. R. APP. P. 52.3(k), 52.7. The contents of both are prescribed by the rules of appellate procedure. *See* TEX. R. APP. P. 52.3(k), 52.7(a).

On December 7, 2017, this Court notified Vega that his petition fails to comply with Rules 52.3(k) and 52.7. This Court informed Vega that the petition would be referred to the Court for dismissal unless the appendix and record were provided by December 18. In response, Vega maintains that the Appendix requirement may be “satisfied by the existing filings in the Trial Court’s docket.” He further maintains that he cannot furnish copies of the trial court’s order because he has no access to a photocopier.

“Although the claims pleaded in pro se inmate petitions should be liberally construed, the same procedural standards apply to inmates as to other litigants.” *In re Buholtz*, No. 05-14-01286-CV, 2014 WL 5426127, at *1 (Tex. App.—Dallas Oct. 27, 2014, orig. proceeding) (mem. op.). “If a pro se litigant is not required to comply with the applicable rules of procedure, he would be given an unfair advantage over a litigant who is represented by counsel.” *Id.* “There cannot be two sets of procedural rules, one for litigants with counsel and the other for litigants

representing themselves.” *Id.* Accordingly, because Vega has provided this Court with neither an appendix nor a record, we are unable to determine that he is entitled to mandamus relief. Thus, we *deny* Vega’s petition for writ of mandamus.

Opinion delivered December 21, 2017.

Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.

(PUBLISH)



COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT

DECEMBER 21, 2017

NO. 12-17-00386-CV

VICTOR VEGA,
Relator
V.

HON. PAM FLETCHER,
Respondent

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petition for writ of mandamus filed by Victor Vega; who is the relator in Cause No. DCCV17-432-349, pending on the docket of the 349th Judicial District Court of Anderson County, Texas. Said petition for writ of mandamus having been filed herein on December 7, 2017, and the same having been duly considered, because it is the opinion of this Court that a writ 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., Hoyle, J. and Neeley, J.