

NOS. 12-21-00053-CR
12-21-00054-CR

IN THE COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT
TYLER, TEXAS

IN RE: §
MARVIN EARL TOLLIVER, JR., § *ORIGINAL PROCEEDING*
RELATOR §

MEMORANDUM OPINION
PER CURIAM

Relator Marvin Earl Tolliver, Jr., an inmate acting pro se, filed this original proceeding to challenge Respondent's denial of his request for production of documents.¹

On April 8, 2021, the Clerk of this Court notified Relator that his petition for writ of mandamus failed to comply with Texas Rules of Appellate Procedure 52.3(a)–(h), (j), (k), and 52.7. *See* TEX. R. APP. P. 52.3 (form and contents of petition); *see also* TEX. R. APP. P. 52.7 (record). The notice further informed Relator that his petition would be referred to the court for dismissal unless he provided an amended petition and the record on or before April 19. On April 22, Relator filed a letter requesting that we withdraw his petition for writ of mandamus so that he may properly format the petition and re-submit the petition at a later date. We construe the letter as a motion to dismiss this original proceeding. Accordingly, we *grant* Relator's motion to dismiss, and we *dismiss* his petition for writ of mandamus.

Opinion delivered April 28, 2021.

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

(DO NOT PUBLISH)

¹ Respondent is the Honorable Edwin A. Klein, Judge of the 420th District Court in Nacogdoches County, Texas. The State of Texas is the Real Party in Interest.



COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT

APRIL 28, 2021

NO. 12-21-00053-CR

MARVIN EARL TOLLIVER, JR.,
Relator
V.

HON. EDWIN A. KLEIN,
Respondent

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the motion to dismiss the petition for writ of mandamus filed by Marvin Earl Tolliver, Jr.; who is the relator in appellate cause number 12-21-00053-CR and the defendant in trial court cause number F1320445, formerly pending on the docket of the 420th Judicial District Court of Nacogdoches County, Texas. Said motion having been duly considered, it is therefore CONSIDERED, ADJUDGED and ORDERED that the petition for writ of mandamus be, and the same is, hereby **dismissed**.

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



COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT

APRIL 28, 2021

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MARVIN EARL TOLLIVER, JR.,
Relator
V.

HON. EDWIN A. KLEIN,
Respondent

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the motion to dismiss the petition for writ of mandamus filed by Marvin Earl Tolliver, Jr.; who is the relator in appellate cause number 12-21-00054-CR and the defendant in trial court cause number F1421251, formerly pending on the docket of the 420th Judicial District Court of Nacogdoches County, Texas. Said motion having been duly considered, it is therefore CONSIDERED, ADJUDGED and ORDERED that the petition for writ of mandamus be, and the same is, hereby **dismissed**.

By *per curiam* opinion.

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