

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

In re Keith Russell Judd

No. 03-12-00617-CV (Tex. App.—Austin Dec. 7, 2012) · No. No. 03-12-00617-CV · Decided December 7, 2012

SUMMARY

The Texas Court of Appeals, Third District, denied Keith Russell Judd’s pro se petition for writ of mandamus. Judd sought to compel the district court to rule on motions concerning his attempted placement on the 2012 presidential primary ballot, challenges to President Barack Obama’s ballot eligibility, and voting rights for incarcerated felons; the court concluded that the record did not establish entitlement to mandamus relief.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Per curiam; Justice Puryear; Justice Pemberton; Justice Henson
JURISDICTION	Texas
DECIDED	December 7, 2012
DOCKET	No. 03-12-00617-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original proceeding on a pro se petition for writ of mandamus seeking to compel the district court to rule on motions for declaratory and injunctive relief concerning presidential-ballot eligibility and voting rights.
STANDARD OF REVIEW	Mandamus relief requires a record establishing that the trial court abused its discretion and that the relator lacks an adequate remedy by appeal.
PRECEDENTIAL VALUE	Published memorandum opinion; precedential status is not otherwise specified in the opinion text.
PARTIES	Keith Russell Judd v. District court, Texas Secretary of State

TOPICS

[appellate procedure](#)[election law](#)[declaratory judgment](#)[injunctions](#)[equitable relief](#)

PRACTICE AREAS

civil procedure

appellate procedure

election law

remedies

QUESTIONS PRESENTED

1. Whether Judd was entitled to mandamus relief compelling the district court to rule on his alleged pending motions.

HOLDINGS

1. Judd was not entitled to mandamus relief because the record did not permit the court to determine that the district court had abused its discretion or that Judd lacked an adequate appellate remedy.

KEY QUOTATIONS

“We similarly cannot determine on this record whether Judd is entitled to mandamus relief.”

FACTUAL BACKGROUND

Keith Russell Judd, a federal inmate proceeding pro se, sought mandamus relief concerning motions for declaratory and injunctive relief against the Texas Secretary of State. The motions allegedly related to Judd's attempt to obtain a place on the 2012 Democratic presidential primary ballot, remove President Barack Obama from that ballot, and permit convicted and incarcerated felons to vote. Judd did not provide copies of the motions or specify when they were filed.

PROCEDURAL HISTORY

Judd alleged that he had filed motions relating to his unsuccessful effort to appear on the State's 2012 Presidential Primary Election ballot, to remove President Barack Obama from the ballot, and to permit incarcerated felons to vote. He did not provide copies of the motions or identify when they were filed. The court had denied a similar mandamus petition in 2011 because the record did not establish an abuse of discretion or the absence of an adequate appellate remedy, and it denied the present petition for similar reasons.

DISPOSITION

writ_denied

CASES CITED

- In re Judd, No. 03-11-00690-CV, 2011 Tex. App. LEXIS, at *1 (Tex. App.—Austin Nov. 16, 2011, orig. proceeding) (mem. op.)

OPINION

PER CURIAM.

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN NO. 03-12-00617-CV In re
Keith Russell Judd ORIGINAL PROCEEDING FROM TRAVIS COUNTY M E M O R A N D U

M O P I N I O N Keith Russell Judd, an inmate in federal prison, has filed a pro se petition for writ of mandamus, asking this Court to compel the district court to rule on his various motions for declaratory and injunctive relief against the Texas Secretary of State.

Judd has failed to provide copies of these motions or specify when they were filed, but he claims in his petition that the motions relate to his unsuccessful attempt in 2011 to be placed "on the State's 2012 Presidential Primary Election Ballot as a Democratic Candidate for President of the United States," to remove President Barack Obama from that ballot for being "not a natural born citizen," and "to allow all convicted and incarcerated felons to vote" in the 2012 elections.

Judd filed a similar petition for writ of mandamus in 2011, which this Court denied because, on the record provided, we could not determine whether the district court had abused its discretion in regard to any pending motion or whether Judd would lack an adequate appellate remedy in that event. See *In re Judd*, No. 03-11-00690-CV, 2011 Tex. App. LEXIS, at *1 (Tex.

App.--Austin Nov. 16, 2011, orig. proceeding) (mem. op.). We similarly cannot determine on this record whether Judd is entitled to mandamus relief. For this and other reasons, we deny Judd's petition for writ of mandamus. See Tex. R. App. P. 52.8(a).

Bob Pemberton, Justice Before Justices
Puryear, Pemberton and Henson Filed: December 7, 2012