

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

In re Sabian A. Alexander

No. 03-23-00616-CV (Tex. App.—Austin Oct. 20, 2023) · No. No. 03-23-00616-CV · Decided October 20, 2023

SUMMARY

The Texas Court of Appeals, Third District, treated Sabian A. Alexander’s ambiguously captioned submission as a petition for writ of mandamus and denied it. The court held that Alexander failed to identify the precise relief and proper respondent and failed to provide a record or certified or sworn copies of materials necessary to establish entitlement to mandamus relief.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Chari L. Kelly; Chief Justice Byrne; Justice Kelly; Justice Theofanis
JURISDICTION	Texas
DECIDED	October 20, 2023
DOCKET	No. 03-23-00616-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original proceeding in which the relator filed an ambiguously captioned submission seeking relief concerning an order to administer psychoactive medication. The court treated the submission as a petition for writ of mandamus and denied it.
STANDARD OF REVIEW	Mandamus relief is extraordinary, and the relator bears the burden to properly request relief and establish entitlement to it by providing a record sufficient to show the right to mandamus relief.
PRECEDENTIAL VALUE	Memorandum opinion; precedential status is not stated in the opinion text.
PARTIES	Sabian A. Alexander v. State of Texas

TOPICS

- appellate procedure
- writ of certiorari
- probate procedure
- remedies
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Alexander's ambiguously captioned appellate submission should be treated as a petition for writ of mandamus.
2. Whether Alexander established entitlement to mandamus relief despite failing to identify the requested relief and respondents clearly and failing to provide a sufficient record or supporting documents.

HOLDINGS

1. The court treated Alexander's ambiguously captioned appellate submission as a petition for writ of mandamus.
2. A mandamus relator must properly request the relief sought and provide a record sufficient to establish entitlement to mandamus relief; failure to provide any record supports denial of the petition.

KEY QUOTATIONS

“In this regard, the relator must provide the reviewing court with a record sufficient to establish his right to mandamus relief.” (at *1)

“Even a pro se applicant for a writ of mandamus must show himself entitled to the extraordinary relief he seeks.” (at *2)

FACTUAL BACKGROUND

Alexander submitted an ambiguously captioned filing concerning, among other things, an order to administer psychoactive medication. The filing referred both to Travis County Probate Court No. 1 and to the 427th District Court in Travis County, but did not clearly identify the relief sought or the persons against whom writs should issue. Alexander provided no record, motions, or orders, including no certified or file-stamped documents, from either referenced court.

PROCEDURAL HISTORY

Alexander filed an appellate submission purporting to consolidate multiple writ petitions and referring to Travis County Probate Court No. 1 and the 427th District Court in Travis County. The Court of Appeals treated the filing as a mandamus petition but denied relief because Alexander did not identify the requested relief or intended respondents with precision and supplied no record, motions, or orders establishing entitlement to relief.

DISPOSITION

writ_denied

CASES CITED

- Walker v. Packer, 827 S.W.2d 833, 837 (Tex. 1992)

- In re Roberts, No. 03-12-00513-CV, 2012 WL 3629367, at *1–2 (Tex. App.—Austin Aug. 21, 2012, no pet.) (mem. op.)
- Barnes v. State, 832 S.W.2d 424, 426 (Tex. App.—Houston [1st Dist.] 1992, orig. proceeding) (per curiam)
- In re Blakeney, 254 S.W.3d 659, 661 (Tex. App.—Texarkana 2008, orig. proceeding)

OPINION

PER CURIAM.

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN NO. 03-23-00616-CV In re Sabian A. Alexander ORIGINAL PROCEEDING FROM TRAVIS COUNTY MEMORANDUM OPINION Relator Sabian A. Alexander has filed an ambiguously captioned appellate submission purporting to consolidate multiple writ petitions, complaining inter alia of an “order to administer psychoactive medication” and seeking unspecified relief.

Having reviewed the filing, we treat the submission as a petition for writ of mandamus and deny the petition. See Tex. R. App. P. 52.8(a). The petition does not make clear the precise nature of the relief sought nor the person or persons to whom the requested writs should issue.

The caption refers to Travis County Probate Court No. 1, and the body of the petition makes reference to the 427th District Court in Travis County, Texas, both of which courts are within this Court’s appellate district. Alexander has not provided this Court with any record, however, nor any copies of motions or the orders thereon, let alone certified or file-stamped copies to show that a properly filed motion is pending before either of the referenced courts.

To the extent Alexander seeks relief that is within this Court’s jurisdiction to grant, it is Alexander’s burden to properly request and establish entitlement to such relief. Walker v. Packer, 827 S.W.2d 833, 837 (Tex. 1992); In re Roberts, No. 03-12-00513-CV, 2012 WL 3629367, at *2 (Tex. App.—Austin Aug. 21, 2012, no pet.) (mem. op.); see Barnes v. State, 832 S.W.2d 424, 426 (Tex.

App.—Houston [1st Dist.] 1992, orig. proceeding) (per curiam) (“Even a pro se applicant for a writ of mandamus must show himself entitled to the extraordinary relief he seeks.”). “In this regard, the relator must provide the reviewing court with a record sufficient to establish his right to mandamus relief.” Roberts, 2012 WL 3629367, at *1 (citing Walker, 827 S.W.2d at 837; In re Blakeney, 254 S.W.3d 659, 661 (Tex.

App.—Texarkana 2008, orig. proceeding)); see also Tex. R. App. P. 52.3(k) (specifying required contents for appendix), 52.7(a) (requiring relator to file with petition “a certified or sworn copy of every document that is material to the relator’s claim for relief and that was filed in any underlying proceeding”). Based on his failure to provide any record, we conclude that Alexander has failed to show an entitlement to relief.

Accordingly, we deny the petition for writ of mandamus. See Tex. R. App. P. 52.8(a).
____ Chari L. Kelly, Justice Before Chief Justice
Byrne, Justices Kelly and Theofanis Filed: October 20, 2023 2

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