



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

IN RE EDUARDO NICHOLAS	§	No. 08-14-00246-CR
GOMEZ,	§	ORIGINAL PROCEEDING ON
RELATOR.	§	PETITION FOR WRIT OF
	§	MANDAMUS

MEMORANDUM OPINION

Relator, Eduardo Nicholas Gomez, has filed a petition for writ of mandamus against the Texas Department of Criminal Justice and the Texas Board of Pardons and Parole. Relator is an inmate in a federal correctional institution and he seeks an order compelling the real parties in interest to remove a detainer which has been placed on him. We deny mandamus relief.

To obtain mandamus relief, Relator must establish both that he has no adequate remedy at law to redress his alleged harm, and that what he seeks to compel is a ministerial act not involving a discretionary or judicial decision. *State ex rel. Young v. Sixth Judicial District Court of Appeals at Texarkana*, 236 S.W.3d 207, 210 (Tex.Crim.App. 2007). A court of appeals has jurisdiction to issue a writ of mandamus against certain judges within its geographic district. TEX.GOV'T CODE ANN. § 22.221(b)(West 2004). A court of appeals also has authority to issue a writ of mandamus if it is necessary to enforce its jurisdiction. *Id.* at § 22.221(a). This Court does not have jurisdiction under Section 22.221(b) to issue the writ of mandamus against either

of the real parties in interest and Relator has not shown that the real parties in interest have interfered with the Court's jurisdiction. Consequently, we do not have jurisdiction to grant the requested relief. The petition for writ of mandamus is denied.

September 3, 2014

YVONNE T. RODRIGUEZ, Justice

Before McClure, C.J., Rivera, and Rodriguez, JJ.
Rivera, J. (Not Participating)

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