

Dismissed w.o.j and Opinion Filed October 21, 2016



In The  
**Court of Appeals**  
**Fifth District of Texas at Dallas**

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No. 05-16-01179-CV

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IN RE LEE JEROME LEWIS, Relator

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Original Proceeding from the Criminal District Court No. 6  
Dallas County, Texas  
Trial Court Cause No. F14-5207-X

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**MEMORANDUM OPINION**

Before Justices Francis, Fillmore, and Stoddart  
Opinion by Justice Stoddart

Before the Court is relator's October 6, 2016 petition for writ of mandamus in which he asks the Court to direct the district clerk to allow him to purchase the transcripts of all witness testimony presented to the grand jury and to order the district clerk to itemize the costs of the transcripts and either produce the transcripts to relator or swear by affidavit that no such records are on file and why.

The Court's power to issue a writ of mandamus is limited as set forth in section 22.221 of the Texas Government Code. Because the Dallas County district clerk is not a judge, we may issue a writ of mandamus to compel action by the district clerk only to the extent necessary to enforce our jurisdiction. See TEX. GOV'T CODE ANN. § 22.221(a), (b) (West 2004) (writ power); *In re Wade*, 05-15-01179-CV, 2015 WL 5783691, at \*1 (Tex. App.—Dallas Oct. 5, 2015, no pet.) (mem. op.). Relator's prior appeal in this Court has been resolved, and the alleged failure of the district clerk to provide relator with a copy of the grand jury transcripts does not implicate

our jurisdiction. We, therefore, lack jurisdiction over the petition for writ of mandamus. Accordingly, we **DISMISS** relator's petition for writ of mandamus for want of jurisdiction. *See* TEX. R. APP. P. 52.8(a).

/Craig Stoddart/  
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CRAIG STODDART  
JUSTICE

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