

**Petition for Writ of Mandamus Dismissed and Memorandum Opinion filed April 15, 2010**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-10-00285-CV**

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**IN RE ALLEN ROY MILLER, Relator**

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**ORIGINAL PROCEEDING  
WRIT OF MANDAMUS**

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**MEMORANDUM OPINION**

On April 1, 2010, relator, Allen Roy Miller, filed a petition for writ of mandamus in this Court. *See* Tex. Gov't Code Ann. §22.221 (Vernon 2004); *see also* Tex. R. App. P. 52. In the petition, relator asks this Court to compel the respondent, Loren Jackson, Harris County District Clerk, to issue citation and serve the defendants in the underlying suit filed by relator.

A court of appeals has no general writ power over a person—other than a judge of a district or county court—unless issuance of the writ is necessary to enforce the court’s jurisdiction. *See* Tex. Gov’t Code Ann. § 22.221. A court of appeals has no jurisdiction to issue a writ of mandamus against a district clerk unless necessary to enforce our jurisdiction. *In re Washington*, 7 S.W.3d 181, 182 (Tex. App.—Houston [1st Dist.] 1999, orig. proceeding). Relator has not shown that a writ of mandamus directed to the district clerk is necessary to enforce our jurisdiction. Therefore, we do not have jurisdiction to issue a writ of mandamus against the district clerk. *See In re Dunn*, 120 S.W.3d 913 (Tex. App.—Texarkana 2003, orig. proceeding) (holding court of appeals did not have jurisdiction to issue writ of mandamus to compel district clerk to issue citation).<sup>1</sup>

Accordingly, relator’s petition for writ of mandamus is dismissed for lack of jurisdiction.

PER CURIAM

Panel consists of Justices Brown, Sullivan, and Christopher.

Do Not Publish—Tex. R. App. P. 47.2(b).

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<sup>1</sup> We note, however, that the district courts have the power to issue writs to enforce their jurisdiction. Tex. Gov’t Code Ann. § 24.011 (Vernon 2004); *Easton v. Franks*, 842 S.W.2d 772, 773–74 (Tex. App.—Houston [1st Dist.] 1992, orig. proceeding).