



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-15-00339-CV

IN RE ROBERT MILLER, RELATOR

OPINION ON ORIGINAL PROCEEDING FOR WRIT OF MANDAMUS

September 23, 2015

MEMORANDUM OPINION

Before QUINN, C.J., and CAMPBELL and HANCOCK, JJ.

Pending before the court is a petition for writ of mandamus filed by Robert Miller. He asks that we order the district clerk for Lynn County, Texas to forward to the Texas Court of Criminal Appeals 1) a “writ of mandamus” he commenced per article 11.07 of the Texas Code of Criminal Procedure and 2) various other documents, motions, or pleadings related to the “writ of mandamus.” Because it seeks relief beyond our jurisdiction, however, we must deny the petition.

We generally cannot issue writs of mandamus against anyone other than a judge. TEX. GOV'T CODE ANN. § 22.221 (West 2004). While there is an exception to that limitation, however, it encompasses instances wherein relief is necessary to protect our appellate jurisdiction. *In re Lagaite*, No. 07-15-00101-CV, 2015 Tex. App. LEXIS 3565,

at *1 (Tex. App.—Amarillo April 9, 2015) (orig. proceeding). Before it can be said that we are protecting our appellate jurisdiction, though, there must be an appeal pending wherein the relator is a party. *Id.* Miller’s complaint against the Lynn County District Clerk does not relate to a pending appeal or to our jurisdiction over a pending appeal. Thus, we have no jurisdiction to grant the relief sought by Miller and, therefore, deny the petition for a writ of mandamus.

Brian Quinn
Chief Justice