

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-13-00233-CV

In re Rodolfo Garcia

ORIGINAL PROCEEDING FROM PECOS COUNTY

MEMORANDUM OPINION

Relator Rodolfo Garcia, an inmate, has filed a pro se petition for writ of mandamus, asking this Court to compel the 83rd District Court of Pecos County, Texas, to rule on various motions related to Garcia's conviction in that court for the offense of aggravated sexual assault of a child. Intermediate courts of appeals have jurisdiction to issue a writ of mandamus only against a district or county court judge in the Court's district and against a district court judge acting as a magistrate in a court of inquiry in the Court's district. Tex. Gov't Code § 22.221(b). The 83rd District Court of Pecos County is not within the district of the Third Court of Appeals. *See* Tex. Gov't Code § 22.201(d), (i). Consequently, we are without jurisdiction to consider Garcia's petition. *See* Tex. Gov't Code § 22.221(b); *see also In re Davis*, 87 S.W.3d 794, 795 (Tex. App.—Texarkana 2002, orig. proceeding). We dismiss Garcia's petition for want of jurisdiction.

Bob Pemberton, Justice

Before Justices Puryear, Pemberton and Rose

Filed: June 20, 2013