

United States District Court
Southern District of Texas

ENTERED

April 13, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JAMES EDWARD GREEN,
SPN 004932231,

Petitioner,

VS.

THE STATE OF TEXAS,

Respondent.

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CIVIL ACTION NO. H-18-686

ORDER OF DISMISSAL WITHOUT PREJUDICE

At the time petitioner James Edward Green filed this “Application for Writ of Mandamus,” he was confined at the Harris County Jail. See Docket Entry No. 1. The Court concludes that this case must be dismissed for lack of jurisdiction, FED. R. CIV. P. 12(h)(3).

“Federal courts have no authority ‘to issue writs of mandamus to direct state courts and their judicial officers in the performance of their duties where mandamus is the only relief sought.’” *Conner v. Texas Court of Criminal Appeals*, 481 F. App’x 952, 2012 WL 3032319, at *1 (5th Cir. Jul. 26, 2012) (unpublished op.) (quoting *Moye v. Clerk, Dekalb County Superior Court*, 474 F.2d 1275, 1276 (5th Cir. 1973)). It is unclear why Green seeks a writ of mandamus in this case, as he pleads no facts to indicate what relief he seeks from the state court trial judge. In any event, this Court lacks jurisdiction to direct the state courts in the performance of their duties. See *id.* Accordingly, Green’s petition for a writ of mandamus must be dismissed without prejudice for lack of jurisdiction.

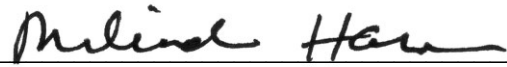
Accordingly, the Court **ORDERS** as follows:

1. This petition seeking mandamus is **DISMISSED** without prejudice for lack of jurisdiction.

2. All pending motions, if any, are **DENIED**.

The Clerk will send copies of this Order to all parties of record.

SIGNED at Houston, Texas, this 12th day of April, 2018.

A handwritten signature in black ink, appearing to read "Melinda Harmon", written over a horizontal line.

MELINDA HARMON
UNITED STATES DISTRICT JUDGE