



COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
EL PASO, TEXAS

IN RE JAMES EARL BELCHER, SR.,	§	No. 08-17-00102-CR
RELATOR.	§	ORIGINAL PROCEEDING
	§	ON PETITION FOR WRIT OF
	§	MANDAMUS

**MEMORANDUM OPINION**

Relator, James Earl Belcher, Sr., has filed a petition for writ of mandamus against Norma L. Favela, the El Paso County District Clerk. Relator asks that we direct the District Clerk to transmit his Article 11.07 petition for writ of habeas corpus to the Texas Court of Criminal Appeals. The petition for writ of mandamus is dismissed for lack of jurisdiction.

A court of appeals has jurisdiction to issue a writ of mandamus against certain judges within its geographic district. *See* TEX.GOV'T CODE ANN. § 22.221(b)(1)(West 2004). A court of appeals also has authority to issue a writ of mandamus if it is necessary to enforce its jurisdiction. *Id.* at § 22.221(a). Thus, we may issue a writ of mandamus to a district clerk only if he or she interferes with the court's jurisdiction. *See id.* at § 22.221(a); *In re Simmonds*, 271 S.W.3d 874, 879 (Tex.App.--Waco 2008, orig. proceeding); *In re Smith*, 263 S.W.3d 93, 95 (Tex.App.--Houston [1st Dist.] 2006, orig. proceeding); *In re Washington*, 7 S.W.3d 181, 182 (Tex.App.--Houston [1st Dist.] 1999, orig. proceeding)(mem. op.). Relator does not have any pending appeals before this Court and he has failed to show that the District Clerk has interfered with the Court's

appellate jurisdiction. Consequently, we do not have jurisdiction to grant the relief requested. *See In re Bernard*, 993 S.W.2d 453, 454 (Tex.App.--Houston [1st Dist.] 1999, orig. proceeding). The petition for writ of mandamus is dismissed for lack of jurisdiction.

April 26, 2017

YVONNE T. RODRIGUEZ, Justice

Before McClure, C.J., Rodriguez, and Palafox, JJ.

(Do Not Publish)