



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

IN RE:	§	No. 08-17-00140-CV
JIMMY LEE SWEED,	§	AN ORIGINAL PROCEEDING
RELATOR	§	IN MANDAMUS
	§	
	§	

MEMORANDUM OPINION

Relator, Jimmy Lee Sweed, has filed a mandamus petition asking that we issue the writ of mandamus against Norma Favela, the El Paso County District Clerk. We dismiss the petition for writ of mandamus 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.* § 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). 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.

July 26, 2017

ANN CRAWFORD McCLURE, Chief Justice

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