



COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
EL PASO, TEXAS

	§	No. 08-22-00230-CR
	§	
IN RE RICKY GRUMBLES,	§	AN ORIGINAL PROCEEDING
	§	
Relator.	§	IN MANDAMUS
	§	

**OPINION**

Relator Ricky Grumbles, proceeding *pro se*, filed a petition for a writ of mandamus against the District Clerk of Ector County, Texas and the 70th Judicial District Court of Ector County, Texas (“70th District Court”). We hold that we do not have jurisdiction to consider Relator’s petition. Consequently, it is dismissed for want of jurisdiction.

**BACKGROUND**

Relator was convicted of two counts of aggravated robbery in the 70th District Court in 2001. The judgment entered against him requires that he pay \$2,387.10 in attorneys fees and \$217.25 in court costs. Realtor alleges in his petition that nearly twenty-one years after his conviction, he attempted to file a Motion to Modify and Rescind Order to Withdraw Funds in the 70th District Court. A copy of the motion attached to the petition shows Relator believes he was

improperly assessed attorney's fees under Texas Code of Criminal Procedure article 26.05(g) because he was indigent at the time of his conviction-

Relator alleges his motion was mailed to the Ector County District Clerk on June 19, 2022, and again on August 20, 2022. The district clerk, however, according to Relator, has not filed his motion. As a result, Relator asks that this Court grant his petition for a writ of mandamus "and order the District Clerk to perform her duty and file" his motion and order "the Judge of the 70th Judicial District Court to issue a ruling on the aforementioned Motion."

### **DISCUSSION**

Relator does not explain how this Court has any original jurisdiction to issue a mandamus to a district clerk or a district court in Ector County. The Texas Constition provides that the state "shall be divided into courts of appeals districts," and that each court of appeal shall have original jurisdiction "as may be prescribed by law." TEX.CONST. art. V, § 6. The Texas Government Code provides courts of appeals with original mandamus jurisdiction over, among others, a judge of a district court "in the court of appeals district." TEX.GOV'T CODE ANN. § 22.221(b)(1). By stataute, courts in Ector County are in the Eleventh Court of Appeals's district. TEX.GOV'T CODE ANN. § 22.201(l). As a result, any writ of mandamus issued to the 70th District Court must come from the Eleventh Court of Appeals.

Further, "[a] court of appeals has no jurisdiction to issue a writ of mandamus against a district clerk unless necessary to enforce the jurisdiction of the court of appeals." *In re Curry*, No. 11-22-00084-CR, 2022 WL 1040914, at \*1 (Tex.App.—Eastland April 7, 2022, orig. proceeding) (mem. op., not designated for publication), *citing In re Washington*, 7 S.W.3d 181, 182 (Tex.App.—Houston [1st Dist] 1999, orig. proceeding); *see also* TEX.GOV'T CODE ANN. § 22.221. Relator has not shown that a writ of mandamus directed to the Ector County District Clerk is

necessary to enforce our jurisdiction in this case. As a result, we do not have jurisdiction over the district clerk.

**CONCLUSION**

After reviewing the mandamus petition and record, we conclude the Court does not have jurisdiction to issue a mandamus against the District Clerk of Ector County or the 70th Judicial District Court of Ector County. We, therefore, dismiss Relator's petition for want of jurisdiction.

YVONNE T. RODRIGUEZ, Chief Justice

November 18, 2022

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