

DISMISS; and Opinion Filed December 1, 2015.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

**No. 05-15-01422-CV
No. 05-15-01423-CV
No. 05-15-01424-CV**

IN RE EMANUAL DELEON FIELDS, Relator

**Original Proceeding from the 195th Judicial District Court
Dallas County, Texas
Trial Court Cause No. F-0154898-N, F-0154899-N, F-0154900-N**

MEMORANDUM OPINION

Before Justices Francis, Myers, and Schenck
Opinion by Justice Myers

In this petition for writ of mandamus relator requests that the Court compel the Dallas County district clerk to transmit his motion for appointment of counsel filed in conjunction with his petition for writ of habeas corpus to the Texas Court of Criminal Appeals. The Court's power to issue a writ of mandamus is limited as set forth in section 22.221 of the Texas Government Code. Because the Dallas County district clerk is not a judge, we may issue a writ of mandamus to compel action by the district clerk only to the extent necessary to enforce our jurisdiction. See TEX. GOV'T CODE ANN. § 22.221(a), (b) (West 2004) (writ power). This Court does not have jurisdiction over post-conviction habeas corpus proceedings relating to felony convictions. See TEX. CODE CRIM. P. ANN. art. 11.05 (West 2015) (by whom writ may be granted). Therefore, this Court has no jurisdiction regarding any action by the Dallas County District Clerk with regard to habeas corpus proceedings. Rather, any complaints about action or inaction on a matter related to a post-conviction petition for writ of habeas corpus must be

brought by mandamus to the court of criminal appeals and not to this Court. *In re McAfee*, 53 S.W.3d 715, 717 (Tex. App.–Houston [1st Dist.] 2001, orig. proceeding).

We dismiss the petition.

/Lana Myers/

LANA MYERS
JUSTICE

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