

Dismissed w.o.j. and Opinion Filed October 25, 2016



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-16-01247-CV

IN RE CLAUDE T. MARSHALL, Relator

Original Proceeding from the 195th Judicial District Court
Dallas County, Texas
Trial Court Cause No. F01-74865-KN

MEMORANDUM OPINION

Before Justices Francis, Fillmore, and Stoddart
Opinion by Justice Stoddart

Before the Court is relator's October 21, 2016 petition for writ of mandamus in which relator complains that the district clerk has not responded to various letters he has filed inquiring about his motion for new trial. He asks the Court to order the district clerk to respond to relator's letters, place the motion for new trial on the district court's docket "and rule on it," and send relator certification that his motion has been filed.

We do not have mandamus jurisdiction over a district clerk unless the clerk is interfering with our appellate jurisdiction. TEX. GOV'T CODE ANN. § 22.221(a)-(b) (West 2004) (court of appeals may only issue writ of mandamus against district and county judges or as necessary to enforce jurisdiction of appellate court); *In re Wilkerson*, 05-16-00322-CV, 2016 WL 1320815, at *1 (Tex. App.—Dallas Apr. 5, 2016, orig. proceeding) (citing *In re Simpson*, 997 S.W.2d 939, 939 (Tex. App.—Waco 1999, orig. proceeding)). Our jurisdiction is not in jeopardy here.

Accordingly, we **DISMISS** relator's petition for writ of mandamus for want of jurisdiction.

/s/Craig Stoddart/
CRAIG STODDART
JUSTICE

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