

**DISMISS; and Opinion Filed January 11, 2018.**



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

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**No. 05-17-01489-CV**

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**IN RE CHRISTOPHER ALAN LUPER, Relator**

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**Original Proceeding from the 59th Judicial District Court  
Grayson County, Texas  
Trial Court Cause No. 062211**

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**MEMORANDUM OPINION**

Before Justices Bridges, Fillmore, and Schenck  
Opinion by Justice Schenck

A jury convicted relator of aggravated assault with a deadly weapon involving family violence and sentenced him to 45 years' confinement. *Luper v. State*, No. 05-13-01259-CR, 2014 WL 5500088, at \*1 (Tex. App.—Dallas Oct. 31, 2014, no pet.). This Court affirmed the conviction. *Id.* In this original proceeding, relator seeks a writ ordering the Grayson County district clerk to “transmit” to this Court a copy of relator’s “Motion for Grand Jury Testimony and Minutes” and any answers filed in response.

This Court does not have jurisdiction to issue a writ of mandamus against a district clerk unless it is necessary to enforce our own jurisdiction. TEX. GOV'T CODE § 22.221(a) (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*, No. 05-16-00322-CV, 2016 WL 1320815, at \*1 (Tex. App.—Dallas Apr. 5, 2016, orig. proceeding) (mem. op.) (citing *In re Simpson*, 997 S.W.2d 939, 939 (Tex. App.—Waco 1999, orig. proceeding)). Relator has no appeal pending in

this Court and, therefore, our jurisdiction is not in jeopardy. Accordingly, we dismiss this proceeding for want of jurisdiction.

/David J. Schenck/  
DAVID J. SCHENCK  
JUSTICE

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