

Dismissed w.o.j. and Opinion Filed February 23, 2018



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-18-00151-CV

IN RE KENDRICK LAMONT JOHNSON, Relator

Original Proceeding from the Criminal District Court No. 5
Dallas County, Texas
Trial Court Cause No. F13-58098

MEMORANDUM OPINION

Before Justices Lang, Myers, and Whitehill
Opinion by Justice Myers

In this original proceeding, relator seeks a writ of mandamus directing Felicia Pitre, Dallas County District Clerk, to transmit to the Texas Court of Criminal Appeals a motion for discovery purportedly filed by relator for filing in the trial court.

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 Simpson*, 997 S.W.2d 939, 939 (Tex. App.—Waco 1999, orig. proceeding) (dismissing petition for writ of mandamus that sought a writ compelling district clerk to accept a motion for filing). Relator has no appeal pending in this Court and, therefore, our jurisdiction is not in jeopardy. As such, we lack writ jurisdiction over the district clerk. *See, e.g., In re Reese*, No. 05-17-00607-CV, 2017 WL 2610039, at *1 (Tex. App.—Dallas June 16, 2017, orig. proceeding) (dismissing proceeding seeking writ against district clerk for

refusing to file documents). Accordingly, we dismiss relator's petition for writ of mandamus for want of jurisdiction.

/Lana Myers/
LANA MYERS
JUSTICE

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