

DISMISS; and Opinion Filed October 15, 2018.



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

**No. 05-18-01189-CV
No. 05-18-01190-CV**

IN RE RUDY LOPEZ, Relator

**Original Proceeding from the 265th Judicial District Court
Dallas County, Texas
Trial Court Cause Nos. F91-44984-R and F93-39883-R**

MEMORANDUM OPINION

Before Justices Lang-Miers, Fillmore, and Stoddart
Opinion by Justice Lang-Miers

Before the Court is relator’s October 4, 2018 “Notice of Appeals,” which we treat as a petition for writ of mandamus. In the petition, relator complains that the district clerk has refused to file relator’s motion for judgment nunc pro tunc and refused to send relator a copy of the motion. Relator asks this Court to direct the district clerk to file “a special clerk’s record” that includes certain documents from the underlying proceeding.

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 relator's petition for writ of mandamus for want of jurisdiction.

/Elizabeth Lang-Miers/
ELIZABETH LANG-MIERS
JUSTICE

181189F.P05