

Opinion issued January 20, 2011.



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-11-00002-CV

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IN RE CHUCK L. HARPER, Relator

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Original Proceeding on Petition for Writ of Mandamus

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MEMORANDUM OPINION<sup>1</sup>

Relator Chuck L. Harper has petitioned this Court for a writ of mandamus, complaining that the Harris County District Clerk refused to file relator's "motion

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<sup>1</sup> Relator has indicated the underlying case is *State v. Harper*, No. 1064870 in the 351st District Court of Harris County, Texas. This Court affirmed the trial court's judgment in the underlying case, and the Texas Court of Criminal Appeals refused relator's petition for discretionary review. *Harper v. State*, No. 01-06-00495-CR, 2007 WL 1775982, at \*4 (Tex. App.—Houston [1st Dist.] June 21, 2007, pet. ref'd).

for expunction of records, motion for bench warrant or[,] in the alternative[,] hearing by conference call, request for disclosure, and declaration of inability to pay court cost[s].”

This Court’s mandamus jurisdiction is governed by the Texas Government Code. Section 22.221 expressly limits the mandamus jurisdiction of the courts of appeals to (1) writs necessary to enforce the jurisdiction of the court of appeals and (2) writs against specified district or county court judges in the court of appeals district. TEX. GOV’T CODE ANN. §§ 22.221(a), (b) (Vernon 2004).

We have no jurisdiction to issue a writ of mandamus against a district clerk unless necessary to enforce our jurisdiction. *See id.* § 22.221 (a); *see also In re Washington*, 7 S.W.3d 181, 182 (Tex. App.—Houston [1st Dist.] 1999, orig. proceeding). Relator’s petition does not raise an issue regarding the need to protect, or a threat to, our jurisdiction.

Accordingly, we dismiss relator’s petition for writ of mandamus.<sup>2</sup> *See* TEX. GOV’T CODE ANN. §§ 22.221(a), (b).

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<sup>2</sup> Relator’s petition names the Honorable Loren Jackson as respondent in this original proceeding. Jackson, however, is no longer the Harris County District Clerk; the Honorable Chris Daniel currently serves that office. Pursuant to Texas Rule of Appellate Procedure 7.2, we substitute Daniel for Jackson as respondent. *See* TEX. R. APP. P. 7.2(a). However, because we have no jurisdiction to consider relator’s complaint about the conduct of the Harris County District Clerk, this mandamus proceeding need not be abated to allow Daniels to reconsider Jackson’s decision under rule 7.2(b). *See* TEX. R. APP. P. 7.2(b).

**PER CURIAM**

Panel consists of Justices Keyes, Sharp, and Massengale.

Do not publish. TEX. R. APP. P. 47.2(b).