

Opinion issued May 1, 2014.



In The
Court of Appeals
For The
First District of Texas

NO. 01-13-00873-CR

IN RE DANIEL HARRIS, Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

Relator, Daniel Harris, has filed a petition for writ of mandamus, complaining that the Harris County District Clerk has not provided him documents regarding his post-conviction writ of habeas corpus, sent documents to the Texas

Court of Criminal Appeals, and complied with a clerk's duties in a criminal proceeding.¹

This Court does not have jurisdiction to grant relator's requested relief. By statute, we have the authority only to issue a writ of mandamus against a district court judge or a county court judge within the Court's jurisdiction, and may issue all writs necessary to enforce this Court's appellate jurisdiction. *See* TEX. GOV'T CODE ANN. § 22.221(a)–(b) (West 2004). We have no jurisdiction to issue a writ of mandamus against a district clerk except to protect our jurisdiction. *In re Smith*, 263 S.W.3d 93, 94 (Tex. App.—Houston [1st Dist.] 2006, orig. proceeding) (citing *In re Washington*, 7 S.W.3d 181, 182 (Tex. App.—Houston [1st Dist.] 1999, orig. proceeding)).

Moreover, we have no authority to issue writs of mandamus in criminal law matters pertaining to proceedings under Texas Code of Criminal Procedure article 11.07. *See* TEX. CODE CRIM. PROC. ANN. art. 11.07, § 3(a), (b) (West Supp. 2013); *In re Briscoe*, 230 S.W.3d 196, 196–97 (Tex. App.—Houston [14th Dist.] 2006, orig. proceeding); *see also In re McAfee*, 53 S.W.3d 715, 717 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding) (noting that only Court of Criminal Appeals has jurisdiction in final post-conviction felony proceedings).

¹ Harris's petition indicates that the underlying proceeding is cause number 1204054-A, styled *Ex parte Daniel Harris*, in the 182nd District Court of Harris County, Texas, the Honorable Jeannine Barr presiding.

Conclusion

Accordingly, we dismiss the petition for writ of mandamus for lack of jurisdiction. We dismiss all pending motions as moot.

PER CURIAM

Panel consists of Justices Jennings, Higley, and Sharp.

Do not publish.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