

Opinion issued October 21, 2014



In The
Court of Appeals
For The
First District of Texas

NO. 01-14-00747-CR

IN RE KELVIN THOMAS, Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

On September 9, 2014, Relator Kelvin Thomas filed a pro se petition for writ of mandamus requesting that we compel the district court clerk to transmit relator's "Motion to Obtain Documents and Trial Records In Forma Pauperis" to the convicting trial court.¹ On September 23, 2014, we dismissed the petition for lack of jurisdiction because the requested writ was neither against a judge nor was

¹ The underlying case is *State of Texas v. Kelvin Thomas*, cause number 1363757, in the 228th District Court of Harris County, Texas, the Honorable Marc Carter presiding.

it necessary to enforce our appellate jurisdiction. *See* TEX. GOV'T CODE ANN. § 22.221(a), (b) (West 2004). On September 30, 2014, in an attempt to address our opinion dismissing relator's petition, relator filed an amended petition that (1) added the trial court as a respondent and (2) added a sentence requesting that we also compel the trial court to "issue an order compelling discovery in said cause of action."

In light of relator's amended petition for writ of mandamus, we withdraw our prior opinion issued on September 23, 2014 and **deny** the amended petition.

PER CURIAM

Panel consists of Justices Higley, Bland, and Sharp.

Do not publish.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