

Petition for Writ of Mandamus Dismissed and Memorandum Opinion filed October 28, 2010.



In The

Fourteenth Court of Appeals

NO. 14-10-01014-CR

IN RE WARREN P. CANADY, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS**

MEMORANDUM OPINION

Relator Warren P. Canady asserts that he is confined in Harris County Jail pursuant to a felony indictment for credit card abuse. On October 19, 2010, relator filed a petition for writ of mandamus in this court in which he complains that the Harris County District Clerk, Loren Jackson refused to file his application for pre-trial writ of habeas corpus and refused to permit him to inspect and copy the master grand jury list.

This court's mandamus jurisdiction is governed by section 22.221 of the Texas Government Code. Section 22.221 expressly limits the mandamus jurisdiction of the courts of appeals to: (1) writs against a district court judge or county court judge in the court of appeals' district, and (2) writs necessary to enforce the court of appeals' jurisdiction. Tex. Gov't Code § 22.221.

We have no jurisdiction to issue a writ of mandamus against a district clerk unless necessary to enforce our jurisdiction. *See In re Washington*, 7 S.W.3d 181, 182 (Tex. App.—Houston [1st Dist.] 1999, orig. proceeding). This court has no original jurisdiction in criminal habeas proceedings. *See* Tex. Gov’t Code § 22.221(d) (“[T]he court of appeals of a court of appeals district in which a person is restrained in his liberty . . . may issue a writ of habeas corpus when it appears that the restraint of liberty is by virtue of an order, process, or commitment issued by a court or judge because of the violation of an order, judgment, or decree previously made, rendered, or entered by the court or judge in a *civil* case.”) (emphasis added); *see also* Tex. Code Crim. Proc. Ann. art. 11.05 (stating that Court of Criminal Appeals, district courts and county courts have power to issue writs of habeas corpus in criminal cases). Therefore, issuance of the writ is not necessary to enforce our jurisdiction.

Accordingly, we dismiss relator’s petition for writ of mandamus.

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Yates and Frost.

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