

**Petition for Writ of Mandamus Dismissed and Memorandum Opinion filed  
November 19, 2015.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-15-00930-CV**

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**IN RE GARLAND MCDONALD, Relator**

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**ORIGINAL PROCEEDING  
WRIT OF MANDAMUS  
240th District Court  
Fort Bend County, Texas  
Trial Court Cause No. 14-DCV-219898**

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**MEMORANDUM OPINION**

On November 3, 2015, relator Garland McDonald filed a petition for writ of mandamus in this court. *See* Tex. Gov't Code Ann. § 22.221 (West 2004); *see also* Tex. R. App. P. 52. In the petition, relator asks this court to compel the Honorable Annie Rebecca Elliott, Fort Bend County District Clerk, to serve the Texas Department of Criminal Justice with his lawsuit.

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 a county court judge in the court of appeals' district; and (2) all writs necessary to enforce the court of appeals' jurisdiction. Tex. Gov't Code Ann. § 22.221. The district clerk is not a district court or county court judge in this court's district, and relator has not shown that the issuance of a writ compelling the requested relief is necessary to enforce this court's appellate jurisdiction. Therefore, we do not have jurisdiction to issue a writ of mandamus against the district clerk.

Accordingly, we dismiss relator's petition for lack of jurisdiction. We also deny relator's motion to proceed *in forma pauperis* as moot.

PER CURIAM

Panel consists of Justices Jamison, McCally, and Wise.