

Petition for Writ of Mandamus Denied, in Part, and Dismissed, in Part and Memorandum Opinion filed November 17, 2016.



In The

Fourteenth Court of Appeals

NO. 14-16-00832-CV

IN RE STEPHEN D. DIFERRANTE, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
Probate Court No. 3
Harris County, Texas
Trial Court Cause No. 449338**

MEMORANDUM OPINION

On October 19, 2016, relator Stephen D. Diferrante 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 Rory Olsen, presiding judge of Probate Court No. 3 of Harris County,

and the court reporter for Probate Court No. 3 to provide him an accurate certified copy of the reporter's record or the audio recording of a hearing held on July 18, 2016, in that court.

Relator has not provided a sufficient record to establish that he is entitled to mandamus relief against Judge Olsen. *See Walker v. Packer*, 827 S.W.2d 833, 839 (Tex. 1992) (orig. proceeding); *see also* Tex. R. App. P. 52.7(a)(1).

This court does not have mandamus jurisdiction to issue a writ of mandamus against the court reporter. 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 court reporter 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.

Accordingly, we deny relator's petition for writ of mandamus to the extent relator seeks relief against Judge Olsen and we dismiss relator's petition to the extent relator seeks relief against the court reporter.

PER CURIAM

Panel consists of Justices Busby, Donovan, and Brown.