

Court Of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

No. 04-08-00569-CV

In Re Juan Roberto **RODRIGUEZ**
Original Mandamus Proceeding¹

PER CURIAM

Sitting: Alma L. López, Chief Justice
Santee Bryan Marion, Justice
Rebecca Simmons, Justice

Delivered and Filed: August 27, 2008

PETITION FOR WRIT OF MANDAMUS DISMISSED FOR LACK OF JURISDICTION

On August 4, 2008, relator filed a petition for writ of mandamus asking this court to order the Bexar County District Clerk to file his civil action, which he refers to in his mandamus petition as “Plaintiff’s Notice to Sue for Breach of Contract and Breach of Duty.” This court does not have jurisdiction to issue a writ of mandamus against a district clerk unless such writ is necessary to enforce this court’s jurisdiction. *In re Coronado*, 980 S.W.2d 691, 692 (Tex. App.—San Antonio 1998, orig. proceeding); *see* TEX. GOV’T CODE ANN. § 22.221(a), (b) (Vernon 2004). Relator has not asserted that the writ he is requesting is necessary to enforce this court’s jurisdiction, nor has he provided a record that would support such an argument. *Walker v. Packer*, 827 S.W.2d 833, 837

¹This proceeding arises out of Cause No. 2008-CI-12331, filed in the 57th Judicial District Court, Bexar County, Texas.

(Tex. 1992) (holding relator has burden of providing a sufficient record to establish right to mandamus relief). For these reasons, the petition is dismissed for lack of jurisdiction.

PER CURIAM