

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



MEMORANDUM OPINION

No. 04-10-00480-CR

IN RE Cesar CALDERON

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Catherine Stone, Chief Justice
Phylis J. Speedlin, Justice
Marialyn Barnard, Justice

Delivered and Filed: July 14, 2010

PETITION FOR WRIT OF INJUNCTION DISMISSED FOR LACK OF JURISDICTION

On June 28, 2010, relator Cesar Calderon filed a petition entitled “Motion for Injunctive Relief and a Motion to Compel,” which we construe as a petition for writ of injunction. Relator complains the justice court has failed to adjudicate and/or dismiss four charges against him.

By statute, this court only has the authority to issue a writ against a “judge of a district or county court in the court of appeals district” and other writs as necessary to enforce our appellate jurisdiction. *See* TEX. GOV’T CODE ANN. § 22.221(a)-(b) (Vernon 2004). Therefore, we have no mandamus jurisdiction over a justice of the peace unless the issuance of the writ is necessary to enforce our jurisdiction. We conclude the writ relator is requesting is not necessary to enforce our

¹ This proceeding arises out of Cause Nos. 2006-075685, 2006-076219, 2007-082159, 2008-083333, in the Justice of the Peace, Kinney County, Texas, the Honorable Narce D. Villareal presiding.

jurisdiction. Accordingly, relator's petition for writ of injunction is DISMISSED FOR LACK OF JURISDICTION.

PER CURIAM

DO NOT PUBLISH