



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-14-00664-CR

IN RE Robert MARTINEZ

Original Mandamus Proceeding¹

PER CURIAM

Sitting: Sandee Bryan Marion, Justice
Marialyn Barnard, Justice
Patricia O. Alvarez, Justice

Delivered and Filed: October 1, 2014

PETITION FOR WRIT OF MANDAMUS DENIED IN PART, DISMISSED IN PART FOR LACK OF JURISDICTION

On September 22, 2014, relator filed a pro se petition for writ of mandamus in which he seeks mandamus relief against both the judge of County Court at Law No. 5 and the Bexar County clerk's office. The court has considered relator's petition and is of the opinion that relator is not entitled to mandamus relief with respect to the trial court judge. Accordingly, the petition for writ of mandamus as to the respondent judge is denied. *See* TEX. R. APP. P. 52.8(a).

With respect to relator's request for relief against the clerk's office, this court does not have jurisdiction to grant the requested relief. By statute, this court has the authority to issue a writ of mandamus 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)-

¹ This proceeding arises out of Cause No. 307125, styled *The State of Texas v. Robert Martinez*, pending in the County Court at Law No. 5, Bexar County, Texas, the Honorable Jason Pulliam presiding.

(b) (West 2004). We conclude the writ is not necessary to enforce our appellate jurisdiction in this instance. Accordingly, relator's petition for writ of mandamus as to the Bexar County clerk's office is dismissed for lack of jurisdiction.

Additionally, relator requested leave to file his petition for writ of mandamus. No leave is required to file a petition for writ of mandamus in this court. TEX. R. APP. P. 52. Therefore, relator's request for leave to file is denied as moot.

PER CURIAM

DO NOT PUBLISH