

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-10-00563-CV

IN RE RANDY DAVIS

Original Proceeding

MEMORANDUM OPINION

Relator Randy Davis filed a petition for writ of mandamus, in which he asserts that although the trial judge ordered the court reporter to transcribe the record of Davis's guilty plea hearing, Davis's mother has not been permitted to obtain a copy from the district clerk.

To the extent Davis's petition asks this Court to require the district clerk to provide the requested record, the district clerk is not a person against whom we may issue a writ of mandamus other than to enforce our jurisdiction. *See* Tex. Gov't Code Ann. § 22.221(a), (b) (West 2004). Davis has not shown that issuance of the writ against the district clerk is necessary to enforce our jurisdiction; therefore, we dismiss that portion of Davis's petition for writ of mandamus for want of jurisdiction. *See id.*; *see also In re*

Pennington, No. 09-08-370 CV, 2008 WL 4425521, at *1 (Tex. App.—Beaumont Oct. 2, 2008, orig. proceeding) (mem. op).

To the extent that Davis’s petition seeks to compel the transcription of the reporter’s record of his plea hearing, we note that the trial court record in cause number 09-5799-A contains the reporter’s record of the plea hearing that took place on January 6, 2010. Relator has not demonstrated that he is entitled to mandamus relief from this Court. *See State ex rel. Hill v. Court of Appeals for the Fifth Dist.*, 34 S.W.3d 924, 927 (Tex. Crim. App. 2001). Accordingly, we deny relief on the petition for writ of mandamus.

PETITION DISMISSED IN PART FOR WANT OF JURISDICTION AND DENIED IN PART.

PER CURIAM

Submitted on January 31, 2011
Opinion Delivered February 24, 2011
Before McKeithen, C.J., Gaultney and Horton, JJ.