

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-15-00305-CV**

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**IN RE GERALD B. WILSON**

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**Original Proceeding**  
**435th District Court of Montgomery County, Texas**  
**Trial Cause No. 07-02-02127-CV**

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**MEMORANDUM OPINION**

Gerald B. Wilson filed a petition for a writ of mandamus compelling the District Clerk of Montgomery County, Texas, to forward Wilson's *pro se* application for a writ of habeas corpus to this Court. It appears that Wilson filed the application in a trial court civil case where he may have counsel of record.

Other than to protect the jurisdiction of the Court of Appeals, this Court's mandamus jurisdiction does not extend to a district clerk. *See* Tex. Gov't Code Ann. § 22.221 (West 2004). The mandamus petition suggests that this Court has

original habeas jurisdiction. *See generally id.* § 22.221(d).<sup>1</sup> Our jurisdiction is invoked by filing an original petition with the appellate court, not the district court. *See Tex. R. App. P. 52.1.* Relator has not shown that the District Clerk has a ministerial duty to forward his application to the Court of Appeals. *See id.; compare with Tex. Code Crim. Proc. Ann. art. 11.07, § 3 (West 2015).* Accordingly, the petition for writ of mandamus is denied.

PETITION DENIED.

PER CURIAM

Submitted on August 26, 2015  
Opinion Delivered August 27, 2015

Before McKeithen, C.J., Kreger and Horton, JJ.

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<sup>1</sup>Relator has not provided this Court with a copy of his application for a writ of habeas corpus, and we do not decide here whether he might have a cognizable claim.