

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-15-00501-CR

IN RE MARVIN GABRIEL HOLMES

Original Proceeding
Criminal District Court of Jefferson County, Texas
Trial Cause No. 08-04992-A

MEMORANDUM OPINION

Relator Marvin Gabriel Holmes filed a writ of mandamus, in which he asks this Court to compel the district clerk to send a file-stamped copy to Holmes of his motion for judgment nunc pro tunc.

Except in a case in which we are enforcing our jurisdiction, the district clerk is not a person against whom we may issue a writ of mandamus. *See* Tex. Gov't Code Ann. § 22.221(a), (b) (West 2004); *In re Pennington*, No. 09-08-370 CV, 2008 WL 4425521, at *1 (Tex. App.—Beaumont Oct. 2, 2008, orig. proceeding) (mem. op.). Based on the fact alleged in Holmes' writ, Holmes has not shown that

issuing a writ against the district clerk is necessary to enforce our jurisdiction. Accordingly, Holmes is not entitled to the relief sought. We deny Holmes' petition seeking a writ. *See* Tex. R. App. P. 52.8(a).

PETITION DENIED.

PER CURIAM

Submitted on December 22, 2015
Opinion Delivered December 23, 2015
Do Not Publish

Before Kreger, Horton, and Johnson, JJ.