



**COURT OF APPEALS  
SECOND DISTRICT OF TEXAS  
FORT WORTH**

**NO. 02-17-00141-CV**

IN RE CURTIS LEE SHEPPARD,  
JR.

RELATOR

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ORIGINAL PROCEEDING  
TRIAL COURT NO. 24,780-B, 28,323-B, AND 48,429-B

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**MEMORANDUM OPINION<sup>1</sup>**

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Relator Curtis Lee Sheppard Jr., seeks a writ of mandamus to compel Patti Flores, Wichita County clerk of the district courts and county courts at law, to file and present his "Petition for Reformation of Sentence Pursuant to 21.1(b) TRAP." The intermediate courts of appeals have no authority to issue a writ of mandamus against a district clerk unless the clerk is interfering with the court's jurisdiction. See Tex. Gov't Code Ann. § 22.221 (West 2004) (providing that intermediate courts of appeals may only issue writs of mandamus against district

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<sup>1</sup>See Tex. R. App. P. 47.4.

and county judges or as necessary to enforce their jurisdiction); *In re Duncan*, No. 02-15-00347-CV, 2015 WL 7008371, at \*1 (Tex. App.—Fort Worth Nov. 12, 2015, orig. proceeding) (mem. op.); *In re Brooks*, No. 02-11-00192-CV, 2011 WL 2436751, at \*1 (Tex. App.—Fort Worth June 15, 2011, orig. proceeding) (mem. op.). As the clerk is not interfering with this court’s jurisdiction, we dismiss Sheppard’s petition for writ of mandamus for lack of jurisdiction. See *In re Duncan*, 2015 WL 7008371, at \*1; *In re Guajardo*, No. 03-11-00821-CV, 2012 WL 254675, at \*1 (Tex. App.—Austin Jan. 25, 2012, orig. proceeding) (mem. op.); *In re Brooks*, 2011 WL 2436751, at \*1.

Because we dismiss Sheppard’s petition for writ of mandamus for lack of jurisdiction, we likewise dismiss his motion concerning Rule 2 of the Texas Rules of Appellate Procedure.

PER CURIAM

PANEL: KERR, WALKER, and MEIER, JJ.

DELIVERED: May 5, 2017