

NO. 07-05-0262-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL B
JULY 25, 2005

In re: CARL DOUGLAS HAYES,

Relator

Original Proceeding

Before QUINN, C.J., and CAMPBELL and HANCOCK, JJ.

Carl Douglas Hayes applied for a writ of mandamus directing Charles Bacarisse, district clerk, to file an original petition he sent to Bacarisse. We dismiss the application.

We, as an appellate court, have jurisdiction to issue a writ of mandamus against an entity other than a trial court only when necessary to enforce our jurisdiction over a pending appeal. *In re Soto*, No. 07-04-0413-CV, 2004 Tex. App. LEXIS 1751 (Tex. App.—Amarillo August 9, 2004, orig. proceeding); *In re Washington*, 7 S.W.3d 181, 182 (Tex. App.—Houston [1st Dist.] 1999, orig. proceeding). Given that Hayes seeks relief against a district clerk for omitting to file an original petition and that the matter does not affect a pending appeal, we lack jurisdiction to address the matter.

Accordingly, the application for writ of mandamus is dismissed for want of jurisdiction.

Brian Quinn
Chief Justice