



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-17-00259-CV

IN RE DONALD RAY MCCRAY, RELATOR

OPINION ON ORIGINAL PROCEEDING FOR WRIT OF MANDAMUS

September 1, 2017

MEMORANDUM OPINION

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

Relator, Donald Ray McCray, an inmate proceeding *pro se*, filed what we have construed as a petition for writ of mandamus in the above-referenced cause. By letter dated July 28, 2017, this court directed McCray to pay the filing fee or comply with Chapter 14 of the Civil Practice and Remedies Code by filing 1) an affidavit of indigence, 2) an affidavit relating to previous filings, and 3) a certified copy of his inmate trust account statement. See TEX. CIV. PRAC. & REM. CODE ANN. § 14.004 (West 2017); see also *id.* § 14.002(a) (stating that Chapter 14 applies to original proceedings brought by an indigent inmate in an appellate court). He was also told that the proceeding was subject to dismissal if he did not comply by August 7, 2017. See TEX. R. APP. P. 42.3(c).

To date, McCray has neither paid the filing fee nor provided any of the required Chapter 14 documents.

The requirement to pay the filing fee or tender an affidavit of indigence, affidavit of previous filings, and a certified copy of an inmate trust account statement is mandatory, and the lack thereof is grounds for dismissal of the original proceeding. See *In re Johnson*, No. 07-16-00354-CV, 2016 Tex. App. LEXIS 11841, at *2 (Tex. App.—Amarillo Nov. 1, 2016, orig. proceeding) (per curiam) (dismissing inmate’s petition for writ of mandamus for failure to pay the filing fee or submit the required Chapter 14 materials).

More importantly, McCray seeks, through his petition, to have us direct a local district clerk to forward him records. We lack the authority to issue a writ of mandamus against a district clerk except when necessary to protect our jurisdiction. *In re Vasquez*, No. 07-17-00207-CV, 2017 Tex. App. LEXIS 6440, at *1 (Tex. App.—Amarillo July 12, 2017, orig. proceeding) (per curiam). Upon reviewing the rather cryptic allegations in McCray's petition, we are unable to see that his complaint relates to any appeal or other matter properly before us.

Accordingly, we deny the petition for a writ of mandamus.

Per Curiam