



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

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No. 07-21-00032-CV

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**IN RE PATRICK A. WHITE, SR., RELATOR**

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**OPINION ON ORIGINAL PROCEEDING  
FOR WRIT OF MANDAMUS**

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March 19, 2021

**MEMORANDUM OPINION**

**Before QUINN, C.J., and PIRTLE and PARKER, JJ.**

Relator Patrick A. White, Sr., a Texas inmate proceeding pro se, filed a petition for writ of mandamus seeking to compel the Texas Department of Criminal Justice “to conduct disciplinary hearings consistent with due process.” By letter of February 22, 2021, this court directed White to pay the required filing fee of \$155 or, in lieu thereof, to comply with chapter 14 of the Civil Practice and Remedies Code by filing an affidavit of indigence, a separate affidavit relating to his previous filings, and a certified copy of his inmate trust account statement. See TEX. CIV. PRAC. & REM. CODE ANN. §§ 14.002(a), 14.004 (West 2017). We further advised that if he did not comply by March 4, this

proceeding was subject to dismissal without further notice. To date, White has not paid the filing fee or provided the required chapter 14 documents.

Unless a party is excused from paying a filing fee, the clerk of this court is required to collect filing fees set by statute or the Supreme Court when an item is presented for filing. See TEX. R. APP. P. 5, 12.1(b). An inmate who files an affidavit or declaration of inability to pay costs in an appeal or original proceeding must also comply with chapter 14 of the Civil Practice and Remedies Code. TEX. CIV. PRAC. & REM. CODE ANN. § 14.002(a). An inmate's failure to comply with chapter 14 is grounds for dismissal of the appeal or 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) (mem. op.).

Because White failed to pay the filing fee or comply with chapter 14 of the Civil Practice and Remedies Code within the time provided for compliance, we dismiss this original proceeding.<sup>1</sup>

Per Curiam

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<sup>1</sup> Further, we note that a court of appeals does not have jurisdiction to issue writs of mandamus against the Texas Department of Criminal Justice unless issuance of the writ is necessary to enforce our jurisdiction. See TEX. GOV'T CODE ANN. § 22.221(a), (b) (West Supp. 2020).