



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-11-00256-CR

IN RE: RUBEN SOLIS ANDERSON

Original Mandamus Proceeding

Before Morriss, C.J., Carter and Moseley, JJ.
Memorandum Opinion by Justice Carter

MEMORANDUM OPINION

Ruben Solis Anderson filed a petition for writ of mandamus listing the Texas Department of Corrections as the respondent. In the substance of the petition, Anderson claims that he filed a writ of habeas corpus on October 18, 2011, with the clerk of the Bowie County District Court seeking “transfer to a safe prison” because “[a]ttempts on his life have been done.” He complains that “[t]he bowie county district court, clerk [sic] office too have been non-responsive,” and asks this Court to “issue a writ of mandamus to Bowie County Court to address life endangerment issues.”

This Court has jurisdiction to issue a writ of mandamus against a “judge of a district or county court in the court of appeals district.” TEX. GOV’T CODE ANN. § 22.221(b) (West 2004). Because we do not have jurisdiction against a district clerk or the Texas Department of Corrections unless necessary to enforce our jurisdiction, and Anderson has not demonstrated that mandamus relief is necessary for this purpose, we have no jurisdiction over these parties to the extent Anderson seeks relief against them.

This leaves the request that writ issue against the Bowie County District Court. Mandamus is an extraordinary remedy that issues only to correct a clear abuse of discretion or violation of a duty imposed by law when no other adequate remedy by law is available. *State v. Walker*, 679 S.W.2d 484, 485 (Tex. 1984) (orig. proceeding). Due to the nature of this remedy, it is Anderson’s burden to properly request and show entitlement to the mandamus relief. *See*

generally *Johnson v. Fourth District Court of Appeals*, 700 S.W.2d 916, 917 (Tex. 1985) (orig. proceeding); *Barnes v. State*, 832 S.W.2d 424, 426 (Tex. App.—Houston [1st Dist.] 1992, orig. proceeding) (“Even a pro se applicant for a writ of mandamus must show himself entitled to the extraordinary relief he seeks.”).

Anderson had the obligation to provide us with evidence in support of his claim that he is entitled to mandamus relief. No portion of any clerk’s record or reporter’s record has been filed with this Court. The absence of a mandamus record prevents us from evaluating the circumstances of this case and, consequently, the merits of Anderson’s complaints. *See* TEX. R. APP. P. 52.7; *Barnes*, 832 S.W.2d at 426.

We deny the petition for writ of mandamus.

Jack Carter
Justice

Date Submitted: December 13, 2011
Date Decided: December 14, 2011

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