



IN THE
TENTH COURT OF APPEALS

No. 10-11-00367-CV

IN RE ANTONIO GARZA III

Original Proceeding

MEMORANDUM OPINION

In this original proceeding, Relator seeks mandamus relief against the Respondent County Clerk of Brazos County for the Clerk's alleged failure or refusal to provide Relator, who is in prison, with a certified copy of his final divorce decree.

A court of appeals has no jurisdiction to issue a writ of mandamus against a clerk except to protect or enforce its jurisdiction. *See* TEX. GOV'T CODE ANN. § 22.221 (West 2004); *In re Simmonds*, 271 S.W.3d 874, 879 (Tex. App.—Waco 2008, orig. proceeding). Given Relator's allegations, the exception is not applicable.

We lack jurisdiction to decide this original proceeding against the county clerk and therefore dismiss it.¹

¹ Relator's (petition for) writ of mandamus has several procedural deficiencies. It does not include the certification required by Rule of Appellate Procedure 52.3(j). *See* TEX. R. APP. P. 52.3(j). It lacks an

REX D. DAVIS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins

Petition dismissed

Opinion delivered and filed October 5, 2011

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appendix and a certified or sworn record, as required by Rules 52.3(k) and 52.7(a)(1). *See id.* 52.3(k), 52.7(a)(1). And, it lacks proof of service on the Respondent County Clerk; the certificate of service notes service on only the Clerk of this Court. A copy of all documents presented to the Court must be served *on all parties* to the proceeding and must contain proof of service. *Id.* 9.5; 52.2. Because of our disposition and to expedite it, we will implement Rule 2 and suspend these rules in this proceeding. *Id.* 2.