



**IN THE
TENTH COURT OF APPEALS**

No. 10-21-00133-CR

IN RE SAMUEL LYN REAVES

Original Proceeding

**From the 413th District Court
Johnson County, Texas
Trial Court No. F49661**

MEMORANDUM OPINION

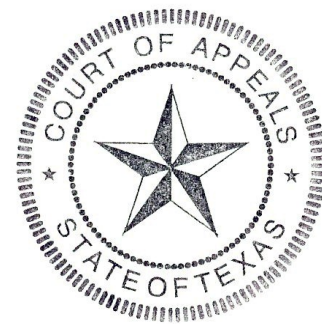
Relator, Samuel Lyn Reaves, a prison inmate, requests that this Court issue a writ of mandamus directing David R. Lloyd, the District Clerk for Johnson County, to file relator's application for writ of habeas corpus, assign ancillary numbers, and allow relator access to the courts as required by the Texas Code of Criminal Procedure. As a Court of Appeals, we have no jurisdiction to compel a district clerk to act except to enforce our jurisdiction. *See* TEX. GOV'T CODE § 22.221(a), (b). Relator has not alleged any need for this Court to enforce that jurisdiction.

Accordingly, relator's application for writ of mandamus, filed on June 14, 2021, is dismissed for want of jurisdiction.

Relator also presented with his petition a motion for leave to file his petition for writ of mandamus. A motion for leave to file a petition for writ of mandamus is required when relief by mandamus is sought from the Court of Criminal Appeals. TEX. R. APP. P. 72.1. The requirement for leave to file a petition for writ of mandamus at the court of appeals level was eliminated in 1997. *See* TEX. R. APP. P. 52, Notes and Comments. Thus, under the applicable rules, a motion for leave to file the petition is unnecessary if mandamus relief is sought from an intermediate court of appeals, such as this Court. The petition was filed without regard to the motion for leave to file it. Accordingly, the motion for leave to file a petition for writ of mandamus is dismissed as moot. *See In re Dawson*, 10-19-00427-CR, 2019 Tex. App. LEXIS 10725 (Tex. App.—Waco Dec. 11, 2019, orig. proceeding) (not designated for publication).

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Johnson, and
Justice Davis¹
Petition dismissed
Motion dismissed
Opinion delivered and filed June 30, 2021
Do not publish
[OT06]



¹ The Honorable Rex Davis, Senior Justice of the Tenth Court of Appeals, sitting by assignment of the Chief Justice of the Texas Supreme Court. *See* TEX. GOV'T CODE §§ 74.003, 75.002, 75.003.