

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-17-00453-CV

In re Kriss Camp

ORIGINAL PROCEEDING FROM TRAVIS COUNTY

MEMORANDUM OPINION

Relator, Kriss Camp, an inmate in the Texas Department of Criminal Justice, has filed a document entitled *Second Request for Temporary Restraining Order*, which we have construed as a subsequent petition for writ of mandamus in this Court.¹ *See Surgitek, Bristol-Myers Corp. v. Abel*, 997 S.W.2d 598, 601 (Tex. 1999) (courts look to substance of pleading rather than its caption or form to determine its nature); *see also* Tex. Gov't Code § 22.221; Tex. R. App. P. 52.1.

¹ Camp previously filed a document entitled *Request for Temporary Restraining Order* in this Court, which we construed as a petition for writ of mandamus. *See In re Camp*, No. 03-17-00399-CV, 2017 WL 2729681, at *1 (Tex. App.—Austin June 22, 2017, orig. proceeding). In this second request, Camp takes issue with our construing his first request as a petition for mandamus. However, as a court of appeals, we “have appellate jurisdiction co-extensive with the limits of [our] respective district[], which shall extend to all cases of which the District Courts or County Courts have original or appellate jurisdiction[.]” Tex. Const. art. V, § 6. The issuance of a temporary restraining order, which Camp seeks in these requests, is an exercise of a district court’s original jurisdiction. *See* Tex. R. Civ. P. 680, 681 (relating to issuance and enforcement of injunctions and restraining orders by district courts); *see also Del Valle Indep. Sch. Dist. v. Lopez*, 845 S.W.2d 808, 809 (Tex. 1992) (defining temporary restraining order). Our original jurisdiction in criminal cases is limited to our writ power. *See* Tex. Gov’t Code § 22.221. Accordingly, we are compelled to construe Camp’s repeated requests for a temporary restraining order from this Court, in connection with a criminal matter pending in this Court, as petitions for writ of mandamus.

Once again, Camp asks us to “intervene” and direct various prison officials of the Neal Unit of the Texas Department of Criminal Justice and “court officials” of Tom Green County and Potter County in connection with the processing of his prison mail.

By statute, this Court has the authority to issue a writ of mandamus against “a judge of a district or county court in the court of appeals district” and other writs as necessary to enforce our appellate jurisdiction. *See* Tex. Gov’t Code § 22.221. This Court does not have mandamus jurisdiction over the Texas Department of Criminal Justice or personnel thereof. Nor do we have jurisdiction over any court officials of Potter County as Potter County lies outside our appellate district. *See id.* § 22.201(d). As to the Tom Green County court officials, Camp has failed to demonstrate that the exercise of our writ power as he requests—in connection with mail processing in the Neal Unit in Potter County—is necessary to enforce our jurisdiction.

These prison officials and county court officials are not parties against whom we may issue a writ of mandamus. We have no jurisdiction to grant Camp the relief he seeks.

Accordingly, the petition is dismissed for want of jurisdiction.

Melissa Goodwin, Justice

Before Chief Justice Rose, Justices Pemberton and Goodwin

Dismissed for Want of Jurisdiction

Filed: July 12, 2017