

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-19-00545-CV

In re Leo P. LaMountain III

ORIGINAL PROCEEDING FROM HAYS COUNTY

MEMORANDUM OPINION

Relater Leo P. LaMountain, III, an inmate in the Texas Department of Criminal Justice, has filed a pro se petition for writ of mandamus, seeking to compel the Hays County District Clerk to transmit copies of his application for writ of habeas corpus, any answers filed, the convicting court's findings, and all related filings to the Texas Court of Criminal Appeals in accordance with article 11.07 of the Texas Code of Criminal Procedure. *See* Tex. Code Crim. Proc. art. 11.07, § 3(c).

As an intermediate appellate court, this Court has no jurisdiction to issue a writ of mandamus against a district clerk unless necessary to enforce our jurisdiction, *see* Tex. Gov't Code § 22.221(a); *In re Washington*, 7 S.W.3d 181, 182 (Tex. App.—Houston [1st Dist.] 1999, orig. proceeding), and our jurisdiction is not implicated here, *see* Tex. Code Crim. Proc. art. 11.07, § 5 (vesting complete jurisdiction over post-conviction relief from final felony convictions in Court of Criminal Appeals).

Accordingly, the petition for writ of mandamus is dismissed for want of jurisdiction. *See In re Justice*, No. 03-14-00163-CV, 2016 WL 1039006, at *1 (Tex. App.—Austin Mar. 11, 2016, orig. proceeding) (dismissing relator’s petition for writ of mandamus when relater sought to compel district court to transmit habeas corpus application and related filings to Court of Criminal Appeals); *In re Guajardo*, No. 03-11-00821-CV, 2012 WL 254675, at *1 (Tex. App.—Austin Jan. 25, 2012, orig. proceeding) (same).

Melissa Goodwin, Justice

Before Justices Goodwin, Baker, and Kelly

Filed: November 6, 2019