

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-19-00734-CV

In re Jerel Smith

ORIGINAL PROCEEDING FROM TRAVIS COUNTY

MEMORANDUM OPINION

Relator Jerel Smith, an inmate in the Texas Department of Criminal Justice, has filed a pro se petition for writ of mandamus directed to Margaret Moore, the District Attorney of Travis County, Texas. *See* Tex. Gov't Code § 22.221; *see also* Tex. R. App. P. 52.1.

This Court does not have mandamus jurisdiction over a district attorney. *See In re Jones*, No. 06-03-00061-CV, 2003 WL 1985247, at *1 (Tex. App.—Texarkana Apr. 30, 2003, orig. proceeding) (mem. op., not designated for publication); *Roberts v. Lowry*, 742 S.W.2d 747, 749 (Tex. App.—Houston [1st Dist.] 1987, no writ). By statute, this Court has the authority to issue a writ of mandamus against “a judge of a district, statutory county, statutory probate county, 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. Thus, the District Attorney of Travis County is not a party against whom we may issue a writ of mandamus unless necessary to enforce our jurisdiction. Relator has not demonstrated that our jurisdiction is implicated here. We have no jurisdiction to grant relator the relief he seeks.

Accordingly, the petition is dismissed for want of jurisdiction.

Melissa Goodwin, Justice

Before Justices Goodwin, Baker, and Kelly

Filed: November 19, 2019