

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-21-00623-CV

In re Guadalupe Padilla

ORIGINAL PROCEEDING FROM TRAVIS COUNTY

MEMORANDUM OPINION

Relator Guadalupe Padilla, an inmate in the Texas Department of Criminal Justice, filed a pro se petition for writ of mandamus. *See* Tex. Gov't Code § 22.221; *see also* Tex. R. App. P. 52.1. Padilla's petition requests issuance of a writ of mandamus directed to the Travis County District Clerk.

However, as an intermediate appellate court, we may issue writs of mandamus only against a district judge or county judge sitting in our district, or to enforce our jurisdiction. *See* Tex. Gov't Code § 22.221. We lack jurisdiction to issue a writ of mandamus against a district clerk unless doing so is necessary to enforce our jurisdiction. *See id.*; *In re Washington*, 7 S.W.3d 181, 182 (Tex. App.—Houston [1st Dist.] 1999, orig. proceeding); *In re Simpson*, 997 S.W.2d 939, 939 (Tex. App.—Waco 1999, orig. proceeding); *In re Strickhausen*, 994 S.W.2d 936, 936 (Tex. App.—Houston [1st Dist.] 1999, orig. proceeding). Here, Padilla failed to demonstrate that the exercise of our writ power is necessary to enforce our jurisdiction.

Accordingly, the mandamus petition is dismissed for want of jurisdiction.

Darlene Byrne, Chief Justice

Before Chief Justice Byrne, Justices Triana and Kelly

Filed: December 8, 2021