



**NUMBERS 13-08-482-CR, 13-08-484-CR,  
13-08-485-CR, and 13-08-486-CR**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**IN RE RAUL GUERRERO**

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**On Petition for Writ of Mandamus.**

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**MEMORANDUM OPINION**

**Before Chief Justice Valdez and Justices Yañez and Benavides  
Per Curiam Memorandum Opinion<sup>1</sup>**

Relator, Raul Guerrero, pro se, filed a petition for writ of mandamus in the above causes on August 12, 2008. Relator requests this Court to issue a writ of mandamus ordering Laura Hinojosa, the District Clerk of Hidalgo County, to file and process his pleadings.

We conclude this Court does not have jurisdiction to grant the requested relief. This court does not have mandamus jurisdiction over district clerks unless it is shown that issuance of the writ is necessary to enforce our jurisdiction. See TEX. GOV'T CODE ANN. §

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<sup>1</sup> See TEX. R. APP. P. 52.8(d) ("When denying relief, the court may hand down an opinion but is not required to do so."); TEX. R. APP. P. 47.4 (distinguishing opinions and memorandum opinions).

22.221(a), (b) (Vernon 2004); *In re Simpson*, 997 S.W.2d 939 (Tex. App.–Waco 1999, orig. proceeding); *In re Strickhausen*, 994 S.W.2d 936 (Tex. App.–Houston [1st Dist.] 1999, orig. proceeding); *In re Coronado*, 980 S.W.2d 691, 692 (Tex. App.–San Antonio 1998, orig. proceeding); see also *In re Hayes*, NO. 13-05-454-CV, 2005 Tex. App. LEXIS 5706, \*2 (Tex. App.–Corpus Christi 2005, orig. proceeding).

When a district clerk refuses to accept a pleading presented for filing, the party presenting the document can seek relief by filing an application for writ of mandamus in the district court, or attempting to file the pleading directly with a district judge, explaining in a verified motion that the clerk refused to accept the pleading for filing. See *In re Bernard*, 993 S.W.2d 453, 454-544 (Tex. App.–Houston [1st Dist.] 1999, orig. proceeding) (O'Connor, J., concurring).

Relator has neither alleged nor shown that issuance of the writ is necessary to enforce our jurisdiction. Accordingly, the petition for writ of mandamus is hereby DISMISSED for want of jurisdiction. See TEX. R. APP. P. 52.8(a).

PER CURIAM

Do not publish. See TEX. R. APP. P. 47.2(b).

Memorandum Opinion delivered and filed this 14th day of August, 2008.

