



NUMBER 13-08-00615-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN RE TRACEY W. MURPHY AND MATTHEW D. WHITMIRE

On Petition for Writ of Mandamus.

MEMORANDUM OPINION

Before Justices Yañez, Garza, and Vela
Per Curiam Memorandum Opinion¹

Relators, Tracey W. Murphy and Matthew D. Whitmire, filed a pro se petition for writ of mandamus in the above cause on November 3, 2008, seeking to compel the District Clerk of Karnes County to file their pleadings.

We do 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. § 22.221(a), (b) (Vernon 2004); *In re Washington*, 7 S.W.3d 181, 182 (Tex. App.–Houston [1st Dist.] 1999, orig.

¹ 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).

proceeding); *In re Coronado*, 980 S.W.2d 691, 692 (Tex. App.–San Antonio 1998, orig. proceeding); see also *In re Nubine*, No. 13-08-507-CV, 2008 Tex. App. LEXIS 6534, at *1 (Tex. App.–Corpus Christi Aug. 27, 2008, orig. proceeding) (per curiam) (mem. op). Moreover, we do not have mandamus jurisdiction over cases that do not arise from our court of appeals district. Karnes County is in the Fourth Court of Appeals District rather than the Thirteenth Court of Appeals District. See TEX. GOV'T CODE ANN. § 22.201 (e), (n) (Vernon 2004).

The Court, having examined and fully considered the petition for writ of mandamus, is of the opinion that we lack jurisdiction to consider this matter. Accordingly, the petition for writ of mandamus is DISMISSED for want of jurisdiction. See TEX. R. APP. P. 52.8(a).

PER CURIAM

Memorandum Opinion delivered and filed
this 7th day of November, 2008.