

NO. 12-11-00265-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

*IN RE:*

§

*JENNIFER EDDINGTON,*

§

*ORIGINAL PROCEEDING*

*RELATOR*

§

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*MEMORANDUM OPINION*

Relator Jennifer Eddington filed a petition for a writ of mandamus, in which she asks this court to direct the Justice of the Peace of Precinct 5, Rusk County, Texas, to rescind certain orders, allow reasonable discovery in the underlying forfeiture proceeding, conduct a hearing on her motion to suppress, and if still necessary, set the matter for a jury trial.

This court's mandamus jurisdiction is expressly limited to (1) writs necessary to enforce the jurisdiction of this court and (2) writs against specified district or county court judges within this court's district. TEX. GOV'T CODE ANN. § 22.221 (West 2004). We have no jurisdiction to issue a writ of mandamus against a justice of the peace unless the writ is necessary to enforce our jurisdiction. *See id.* Anything that "destroys the efficacy of a final judgment" of this court renders an extraordinary writ the proper form of relief. *Upjohn Co. v. Marshall*, 843 S.W.2d 203, 204 (Tex. App.—Dallas 1992, orig. proceeding) (conditionally granting writ of mandamus directing trial court to vacate orders issued by it that interfered with execution and enforcement of court of appeals' judgment); *see also, e.g., In re Richardson*, 327 S.W.3d 848, 851 (Tex. App.—Fort Worth 2010, orig. proceeding) (mandamus appropriate to require trial court to enforce appellate court's judgment). Eddington has not shown that the requested relief is necessary to enforce this court's jurisdiction. Accordingly, we deny the petition for writ of mandamus.

Opinion delivered September 1, 2011.

*Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*

(PUBLISH)