

NO. 12-12-00281-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN RE: §
ANDREW J. PASTOR, § *ORIGINAL PROCEEDING*
RELATOR §

MEMORANDUM OPINION
PER CURIAM

In this original proceeding, Relator Andrew J. Pastor seeks a writ of mandamus requiring Lois Rogers, District Clerk of Smith County, Texas (Respondent), to file Relator’s “Second Motion for Speedy Trial or In The Alternative Motion for Time Served and Removal of Detainer.” We dismiss the petition.

A court of appeals has the authority to issue writs of mandamus against a judge of a district or county in the court of appeals district and all writs necessary to enforce its jurisdiction. TEX. GOV’T CODE ANN. § 22.221 (West 2004). Unless necessary to enforce this court’s jurisdiction, we have no authority to issue a writ of mandamus against a district clerk. *See id.; In re Coronado*, 980 S.W.2d 691, 692-93 (Tex. App.–San Antonio 1998, orig. proceeding). Relator has not demonstrated that the exercise of our mandamus authority against Respondent is necessary to enforce this court’s jurisdiction. Consequently, we have no authority to issue a writ of mandamus against Respondent. Accordingly, the petition for writ of mandamus is *dismissed for want of jurisdiction*.

Opinion delivered October 31, 2012.
Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(DO NOT PUBLISH)



**COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT**

OCTOBER 31, 2012

NO. 12-12-00281-CR

ANDREW J. PASTOR,
Relator

v.

HON. JAMES R. COWART,
Respondent

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petition for writ of mandamus filed by ANDREW J. PASTOR, who is the relator in Cause No. 06-73199JP5, pending on the docket of the Justice of the Peace Court of Smith County, Texas. Said petition for writ of mandamus having been filed herein on August 28, 2012, and the same having been duly considered, because it is the opinion of this court that this court is without jurisdiction in this proceeding, and that the petition for writ of mandamus should be dismissed, it is therefore CONSIDERED, ADJUDGED and ORDERED that the said petition for writ of mandamus be, and the same is, hereby **dismissed for want of jurisdiction.**

By per curiam opinion.

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