

NO. 12-13-00224-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

*IN RE:*

§

*HAYWARD JACKSON,*

§

*ORIGINAL PROCEEDING*

*RELATOR*

§

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*MEMORANDUM OPINION  
PER CURIAM*

Relator Hayward Jackson has filed a petition for writ of mandamus complaining of Wanda Burke, County Clerk of Anderson County, Texas. Jackson alleges that he wishes to appeal a judgment rendered in justice court, but the respondent has failed to send the necessary papers to the County Court of Anderson County. He requests a writ of mandamus directing the respondent to forward the papers to the County Court in compliance with her duty under the rules of civil procedure.

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 (Vernon 2004). In order for a county clerk to fall within our jurisdictional reach, it must be established that the issuance of the writ of mandamus 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). Jackson has not demonstrated that the exercise of our mandamus authority against the respondent is appropriate to enforce our jurisdiction. Therefore, we do not have jurisdiction to issue a writ of mandamus directed to the respondent. Accordingly, the petition for writ of mandamus is *dismissed for want of jurisdiction*.

Opinion delivered July 3, 2013.

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

(PUBLISH)



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

**JULY 3, 2013**

**NO. 12-13-00224-CV**

**HAYWARD JACKSON,**  
Relator  
v.  
**WANDA BURKE, COUNTY CLERK,**  
Respondent

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**ORIGINAL PROCEEDING**

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ON THIS DAY came to be heard the petition for writ of mandamus filed by **HAYWARD JACKSON**, who is the relator in Cause No.TDC-120001-2, pending on the docket of the County Court of Anderson County, Texas. Said petition for writ of mandamus having been filed herein on June 28, 2013, and the same having been duly considered, because it is the opinion of this Court that this court is **without jurisdiction** to issue a writ of mandamus, 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.*