

NO. 12-14-00330-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN RE:

§

BENITO HINOJOSA,

§

ORIGINAL PROCEEDING

RELATOR

§

***MEMORANDUM OPINION
PER CURIAM***

In this original proceeding, Relator Benito Hinojosa seeks a writ of mandamus requiring Janice Staples, District Clerk of Anderson County, Texas, to correct the bill of costs in his criminal case and direct the Texas Department of Corrections to stop withdrawing funds from his inmate trust account. 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 the district clerk is necessary to enforce this court's jurisdiction. Consequently, we have no authority to issue a writ of mandamus against her. Accordingly, the petition for writ of mandamus is *dismissed for want of jurisdiction*.

Opinion delivered November 12, 2014.

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(DO NOT PUBLISH)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

NOVEMBER 12, 2014

NO. 12-14-00330-CR

BENITO HINOJOSA,
Relator

v.

HON. MARK A. CALHOON,
Respondent

Appeal from the 3rd District Court
of Anderson County, Texas (Tr.Ct.No. 29812)

ON THIS DAY came to be heard the petition for writ of mandamus filed by **BENITO HINOJOSA**, who is the defendant in Cause No. 29812, pending on the docket of the 3rd Judicial District Court of Anderson County, Texas. Said petition for writ of mandamus having been filed herein on November 10, 2014, and the same having been duly considered, because it is the opinion of this Court that this court is without jurisdiction, a writ of mandamus should not issue, 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.