

NO. 12-19-00312-CV
IN THE COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT
TYLER, TEXAS

IN RE: §
MICHAEL A. KENNEDY, § *ORIGINAL PROCEEDING*
RELATOR §

MEMORANDUM OPINION
PER CURIAM

Michael A. Kennedy, an inmate acting pro se, filed this original proceeding to challenge action/inaction by Officer A. Stephenson with the grievance office of the Polunsky Unit.

Each court of appeals or a justice of a court of appeals may issue a writ of mandamus and all other writs necessary to enforce the jurisdiction of the court. TEX. GOV'T CODE ANN. § 22.221(a) (West Supp. 2017). A court of appeals may issue writs of mandamus against: (1) a judge of a district, statutory county, statutory probate county, or county court in the court of appeals district; (2) a judge of a district court who is acting as a magistrate at a court of inquiry under Chapter 52, Code of Criminal Procedure, in the court of appeals district; or (3) an associate judge of a district or county court appointed by a judge under Chapter 201, Family Code, in the court of appeals district for the judge who appointed the associate judge. *Id.* § 22.221(b).

Stephenson does not qualify as a judge under Section 22.221(b); thus, we lack jurisdiction to issue a writ of mandamus against the officer unless the writ is necessary to enforce our jurisdiction. See *In re Bledsoe*, 532 S.W.3d 826, 827 (Tex. App.—Texarkana 2017, orig. proceeding) (mandamus jurisdiction did not extend to other parties outside of Section 22.221(b), such as prison warden); see also *In re Roberson*, No. 13-15-00598-CV, 2015 WL 9285850, at *2 (Tex. App.—Corpus Christi Dec. 21, 2015, orig. proceeding) (mem. op.) (dismissing mandamus proceeding for lack of jurisdiction over executive director of Texas Department of Criminal Justice, and assistant and senior wardens). Relator does not have an appeal pending in this Court

and he has not explained how the issuance of a writ against Stephenson is otherwise necessary to enforce this Court's jurisdiction. Thus, we have no jurisdiction to grant the requested relief with respect to Stephenson.

Because we lack jurisdiction over Relator's complaints against Stephenson, we *dismiss* Relator's petition for *want of jurisdiction*.

Opinion delivered September 18, 2019.

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

(PUBLISH)



COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT

SEPTEMBER 18, 2019

NO. 12-19-00312-CV

MICHAEL A. KENNEDY,
Relator
V.

OFFICER A. STEPHENSON,
Respondent

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petition for writ of mandamus filed by Michael A. Kennedy; who is the relator in appellate cause number 12-19-312-CV. Said petition for writ of mandamus having been filed herein on September 16, 2019, and the same having been duly considered, because it is the opinion of this Court that it lacks jurisdiction, 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., Hoyle, J. and Neeley, J.