

NO. 12-19-00382-CV
IN THE COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT
TYLER, TEXAS

IN RE: §
DAVID ALLEN RUSSELL, § *ORIGINAL PROCEEDING*
RELATOR §

MEMORANDUM OPINION
PER CURIAM

David Allen Russell, acting pro se, filed this original proceeding in which he asks this Court to direct the Anderson County District Clerk, Teresia C. Coker, to transmit and send a file stamped copy of his two complaints. However, this Court's mandamus authority is limited to (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 Texas Code of Criminal Procedure Chapter 52 in the court of appeals district; (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; or (4) a situation in which a writ of mandamus is necessary to protect the Court's jurisdiction. TEX. GOV'T CODE ANN. § 22.221(a), (b) (West Supp. 2018). The district clerk is not a judge, and Relator does not assert that a writ of mandamus directed to the district clerk is necessary to protect this Court's jurisdiction. Consequently, because we do not have jurisdiction to consider the merits of Relator's mandamus petition, the petition is *dismissed for want of jurisdiction*. See *In re Eaton*, No. 12–15–00118–CR, 2016 WL 6876502, at *1 (Tex. App.–Tyler, Nov. 22, 2016, orig. proceeding) (mem. op., not designated for publication).

Opinion delivered December 4, 2019.
Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.

(PUBLISH)



COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT

DECEMBER 4, 2019

NO. 12-19-00382-CV

DAVID ALLEN RUSSELL,
Relator
V.

TERESIA C. COKER,
Respondent

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petition for writ of mandamus filed by David Allen Russell; who is the relator in appellate cause number 12-19-00382-CV. Said petition for writ of mandamus having been filed herein on November 20, 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.