

NO. 12-22-00239-CV
IN THE COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT
TYLER, TEXAS

IN RE: §
NORMAN YOES, § *ORIGINAL PROCEEDING*
RELATOR §

MEMORANDUM OPINION
PER CURIAM

Norman Yoes, acting pro se, filed this original proceeding in which he seeks a writ compelling Respondent, Gregg County District Clerk Trey Hattaway, to provide him with file-marked copies of various documents.¹

A district clerk is not a judge over which this Court has mandamus jurisdiction; nor does the record demonstrate that issuance of a writ of mandamus against Respondent is necessary to protect this Court’s jurisdiction. *See* TEX. GOV’T CODE ANN. § 22.221(a), (b) (West Supp. 2020) (writ power); *see also In re Dotson*, No. 12-20-00205-CV, 2020 WL 5552626 (Tex. App.—Tyler Sept. 16, 2020, orig. proceeding) (per curiam) (mem. op.) (dismissing mandamus proceeding against district clerk for want of jurisdiction); *In re Vargas*, No. 01-12-00351-CV, 2012 WL 1454550, at *1 (Tex. App.—Houston [1st Dist.] Apr. 26, 2012, orig. proceeding) (per curiam) (mem. op) (same). Because this Court lacks jurisdiction to grant mandamus relief under the circumstances of this case, we ***dismiss*** the petition for writ of mandamus for ***want of jurisdiction***. All pending motions are ***overruled as moot***.

Opinion delivered September 22, 2022.

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

¹ Janelle Marie Avritt is the Real Party in Interest. The Gregg County website reflects that a judgment was entered in the parties’ divorce proceeding in December 2021.



COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT

SEPTEMBER 22, 2022

NO. 12-22-00239-CV

NORMAN YOES,
Relator
V.

TREY HATTAWAY,
Respondent

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petition for writ of mandamus filed by Norman Yoes; who is the relator in appellate cause number 12-22-00239-CV and a party in trial court cause number 2021-1097-DR, formerly pending on the docket of the 307th Judicial District Court of Gregg County, Texas. Said petition for writ of mandamus having been filed herein on September 1, 2022, 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.

