Opinion issued February 18, 2016

In The

Court of Appeals

For The

First District of Texas

NO. 01-15-01107-CV

IN RE REFUGIO VELA, JR., Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

Relator, Refugio Vela, Jr., has filed a petition for a writ of mandamus, contending that the Harris County District Clerk has not performed his ministerial duties to receive and file papers, respond to correspondence, or "transmit documents to be served" in the trial court proceeding.[1]

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[1] The respondent is the Honorable Chris Daniel, Harris County District Clerk. The underlying proceeding is cause number 2015-32658, *Refugio Vela, Jr. v. Center Point Energy*, in the 190th District Court of Harris County.

This Court does not have jurisdiction to grant relator's requested relief. By statute, we have the authority only to issue a writ of mandamus against a district court judge or a county court judge within the Court's jurisdiction, and may issue all writs necessary to enforce this Court's appellate jurisdiction. *See* TEX. GOV'T CODE ANN. § 22.221(a)–(b) (West 2004). We do not have jurisdiction to issue a writ of mandamus against a district clerk except to protect our jurisdiction. *See In re Smith*, 263 S.W.3d 93, 95 (Tex. App.—Houston [1st Dist.] 2006, orig. proceeding) (citing *In re Washington*, 7 S.W.3d 181, 182 (Tex. App.—Houston [1st Dist.] 1999, orig. proceeding)).

Accordingly, we dismiss the petition for lack of jurisdiction.

PER CURIAM

Panel consists of Justices Jennings, Keyes, and Bland.