

COURT OF APPEALS OF TEXAS, FOURTH DISTRICT

In re Juan Edgar Ochoa, Jr.

In re Ochoa · No. 04-10-00914-CV · Decided January 12, 2011

OPINION

PER CURIAM.

MEMORANDUM OPINION No. 04-10-00914-CV IN RE Juan Edgar OCHOA, Jr. Original Mandamus Proceeding[1] PER CURIAM Sitting: Catherine Stone, Chief Justice Phylis J. Speedlin, Justice Steven C. Hilbig, Justice Delivered and Filed: January 12, 2011 PETITION FOR WRIT OF MANDAMUS DENIED On December 22, 2010, relator Juan Edgar Ochoa filed a petition for writ of mandamus, complaining in part that the Justice of the Peace Precinct 3, Jim Hogg County, has prevented him from appealing the justice court's ruling.

However, by statute this court only has the authority to issue a writ against a "judge of a district or county court in the court of appeals district" and other writs as necessary to enforce our appellate jurisdiction. See Tex. Gov't Code Ann. § 22.221(a)-(b) (West 2004).

Therefore, we have no mandamus jurisdiction over a justice of the peace unless the issuance of the writ is necessary to enforce our jurisdiction. We conclude the relief relator seeks is not necessary to enforce our jurisdiction.

Accordingly, relator's petition for writ of mandamus is DISMISSED FOR LACK OF JURISDICTION. PER CURIAM [1] This proceeding arises out of Cause No. JP3-10-544, styled State of Texas v. Juan Edgar Ochoa, in the Justice of the Peace Precinct 3, Jim Hogg County, Texas, the Honorable Heriberto Martinez presiding.