

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-20-00281-CV

In re Kevin Dewayne Clark

ORIGINAL PROCEEDING FROM TRAVIS COUNTY

MEMORANDUM OPINION

Relator Kevin Dewayne Clark, an inmate in the Texas Department of Criminal Justice (TDCJ), has filed a pro se petition for writs of mandamus and prohibition. Clark requests that this Court compel the Texas Board of Pardons and Paroles to honor his request for evaluation and for special review and to follow the laws, policies, and rules of the requirements for parole review in his case. Clark also asks the Court to compel the Board to give him and other offenders the right to appoint their own psychiatrist or psychologist, in addition to the state-appointed psychiatrist or psychologist, and to conduct evaluations and assessments promptly and professionally.

By statute, this Court has no authority to issue a writ of mandamus against these State officials unless required to enforce our jurisdiction. *See* Tex. Gov't Code § 22.221 (establishing that intermediate appellate courts have jurisdiction to issue writs of mandamus only against certain types of judges and to enforce appellate courts' own jurisdiction); *In re Washington*, 7 S.W.3d 181, 182 (Tex. App.—Houston [1st Dist.] 1999, orig. proceeding). Clark

has not demonstrated that the requested relief is necessary to enforce our appellate jurisdiction. *See In re Roberson*, No. 13-15-00598-CV, 2015 WL 9285850, at *2 (Tex. App.—Corpus Christi—Edinburg Dec. 21, 2015, orig. proceeding) (mem. op.) (per curiam) (dismissing petition seeking to compel prison officials to comply with state laws).

A writ of prohibition may be “issued by a superior court to control, limit or prevent action in a court of inferior jurisdiction.” *Holloway v. Fifth Court of Appeals*, 767 S.W.2d 680, 682 (Tex. 1989) (orig. proceeding). The writ’s purpose is to enable a superior court to protect and enforce its jurisdiction and judgments. *Id.* at 683. “The writ is typically used to protect the subject matter of an appeal or to prohibit an unlawful interference with the enforcement of a superior court’s orders and judgments.” *Id.* Clark has not demonstrated that the requested relief is directed at preventing action in a court of inferior jurisdiction to protect the subject matter of an appeal or to prohibit unlawful interference with an order or judgment of this Court. *See id.*

The petition for writs of mandamus and prohibition is denied.

Melissa Goodwin, Justice

Before Justices Goodwin, Kelly, and Smith

Filed: July 2, 2020