

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-50447  
Conference Calendar

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FLETCHER STEEL,

Plaintiff-Appellant,

versus

TEXAS COURT OF CRIMINAL APPEALS,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. SA-00-CV-1418  
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October 26, 2001

Before WIENER, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:\*

Fletcher Steel, *pro se* prisoner # 588829A, appeals the district court's dismissal of his petition for writ of mandamus, by which Steel sought an order directing the Texas Court of Criminal Appeals to consider his third state postconviction application. The district court's determination that it had no authority to issue a writ of mandamus was correct. See Moyer v. Clerk, DeKalb Co. Super. Ct., 474 F.2d 1275, 1276 (5th Cir. 1973). Steel's appeal presents no issue of arguable merit and is, therefore, dismissed as frivolous. See 5TH CIR. R. 42.2.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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DISMISSED AS FRIVOLOUS.