

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 17-50359
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 1, 2018

Lyle W. Cayce
Clerk

RUBEN VELA, SR.,

Plaintiff-Appellant

v.

LORIE DAVIS,

Defendant-Appellee

Appeal from the United States District Court
for the Western District of Texas
USDC No. 6:17-CV-83

Before DAVIS, CLEMENT, and COSTA, Circuit Judges.

PER CURIAM:*

Ruben Vela, Sr., Texas prisoner # 1582906, appeals the dismissal by the district court of his 28 U.S.C. § 2254 habeas application for lack of jurisdiction. Vela argues that the district court erroneously construed his § 2254 application as a writ of mandamus and urges that the state court has refused him access to courts by not providing him a copy of the record.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 17-50359

“[A] federal court lacks the general power to issue writs of mandamus to direct state courts and their judicial officers in the performance of their duties where mandamus is the only relief sought.” *Moye v. Clerk, DeKalb Cnty. Superior Court*, 474 F.2d 1275, 1276 (5th Cir. 1973). Because Vela asked the district court to order the state court to provide a copy of the record, the district court correctly construed the application as a writ of mandamus and dismissed it for lack of jurisdiction. *See id.*

AFFIRMED.