



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-08-00102-CV

JULIO PEREZ, JR., Appellant

V.

DUSTY HAWKINS, THOMAS JENKINS, RICKY RUDD, Appellees

On Appeal from the 102nd Judicial District Court
Bowie County, Texas
Trial Court No. 07C0056-102

Before Morriss, C.J., Carter and Moseley, JJ.
Memorandum Opinion by Justice Moseley

MEMORANDUM OPINION

Julio Perez, Jr., has filed a notice of appeal from a judgment that dismissed his "lawsuit" for want of prosecution. He has not in any respect attacked the court's decision to dismiss the action for that reason. Rather, he argues cogently that this was not a civil lawsuit in the first place, as it is actually an affidavit which he intended to be a criminal complaint to be brought to the attention of the authorities whose duty it is to investigate such. The affidavit sets out various types of alleged wrongdoing and injury resulting therefrom, but neither seeks damages of any sort, nor does it request a remedy. It states that it is an affidavit/complaint to be filed with the Bowie County District Attorney's Office to institute formal charges against specific prison guards for "mistreatment and oppressive behavior" by those individuals.¹

As Perez has directed us to no claimed error by the trial court, we must affirm the judgment. We note, however, that such an affirmance can have no effect upon Perez's attempt to pursue criminal proceedings against the individuals named in the affidavit.

We affirm the judgment.

Bailey C. Moseley
Justice

Date Submitted: May 5, 2009
Date Decided: May 6, 2009

¹The record also contains a letter from Perez to the district clerk pointing out that his affidavit had been misconstrued to be a lawsuit when it was not.