



IN THE  
TENTH COURT OF APPEALS

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No. 10-15-00373-CR

EX PARTE DONALD WAYNE GRAHAM

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**Original Proceeding**

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**MEMORANDUM OPINION**

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Donald Wayne Graham, a prison inmate, presented a document which was filed on October 30, 2015. It is difficult to understand the relief Graham seeks and the legal basis or support for that requested relief. At times, it appears he is complaining about the conditions in which he is confined, but also complains about the underlying conviction. Fundamentally, it appears he would like to be moved out of the facility in Edinburg to Waco, Texas, or at least to be permitted to be closer to his family.

To the extent this document requests original mandamus relief from the conditions of the prison unit in Edinburg, Texas where he is currently housed, we have no jurisdiction over occurrences in the geographic area of the unit. *See* TEX. GOV'T CODE ANN. § 22.201(k) (West 2004). To the extent this document requests original mandamus

relief from the actions of officials or employees of that prison unit, we have no mandamus jurisdiction over those people. *See id.* § 22.221(a), (b).

Further, to the extent Graham intends this document to be a writ of habeas corpus, requesting relief from his convictions, Graham was convicted of two felony offenses, and we have no original jurisdiction over post-conviction felony offenses. *See* TEX. CODE CRIM. PROC. ANN. arts. 11.05; 11.07, § 3(a), (b) (West 2015); *In re McAfee*, 53 S.W.3d 715, 717 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding) (noting that "only the Texas Court of Criminal Appeals has jurisdiction in final post-conviction felony proceedings").

Accordingly, this proceeding is dismissed.

TOM GRAY  
Chief Justice

Before Chief Justice Gray,  
Justice Davis, and  
Justice Scoggins  
Proceeding dismissed  
Opinion delivered and filed November 12, 2015  
Do not publish  
[OT06]

