



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-80,957-01

IN RE ANDRES ENRIQUE CANTU, Relator

ON APPLICATION FOR A WRIT OF MANDAMUS
CAUSE NO. CR-730-09-C (01) IN THE 139TH DISTRICT COURT
FROM HIDALGO COUNTY

Per curiam.

ORDER

Relator has filed a motion for leave to file a writ of mandamus pursuant to the original jurisdiction of this Court. In it, he contends that he filed an application for a writ of habeas corpus in the 139th District Court of Hidalgo County, that more than 35 days have elapsed, and that the application has not yet been forwarded to this Court.

On February 26, 2014, we held this application in abeyance and ordered Respondent, the District Clerk of Hidalgo County, to file a response. On April 3, we received Relator's Article 11.07 application. It was file-stamped in Hidalgo County on September 3, 2013, and the State acknowledged receipt of the application on February 27, 2014. There is no explanation in the record

for why Relator's habeas application was filed in September 2013, but not acknowledged by the State until almost six months later.

The Hidalgo County District Clerk and the Hidalgo County District Attorney shall both submit affidavits, explaining how the process of filing and serving habeas applications is conducted in Hidalgo County, and explaining why there was a delay of almost six months between the date upon which Relator's habeas application was filed, and the date upon which the State acknowledged receipt of the application. This application for leave to file a writ of mandamus shall be held in abeyance until Respondent and the State have responded. Such responses shall be submitted within 30 days of the date of this order.

Filed: April 30, 2014
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