



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-79,944-01

EX PARTE KENNETH ALAN THOMAS, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. F-2004-1408-CD WHC 1 IN THE 211TH DISTRICT COURT
FROM DENTON COUNTY

Per curiam.

ORDER

Pursuant to the provisions of Article 11.07 of the Texas Code of Criminal Procedure, the clerk of the trial court transmitted to this Court this application for a writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of aggravated assault and sentenced to eight years' imprisonment. The Second Court of Appeals affirmed his conviction. *Thomas v. State*, No. 02-05-00186-CR (Tex. App.—Fort Worth 2006, pet. ref'd).

Applicant filed a motion to recuse and disqualify the Honorable L. Dee Shipman. Nothing in the record indicates that Judge Shipman responded to this motion. Accordingly, we remand this application so Judge Shipman can either recuse himself or forward the matter to the presiding judge of the administrative judicial district. *Ex parte Sinegar*, 324 S.W.3d 578 (Tex. Crim. App. 2010).

This application will be held in abeyance. The supplemental record, including Judge Shipman's response to Applicant's motion, shall be forwarded to this Court within 120 days of the date of this order. Any extensions of time shall be obtained from this Court.

Filed: October 23, 2013

Do not publish