



COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
EL PASO, TEXAS

IN RE:	§	No. 08-17-00164-CV
DEREK A. QUINATA,	§	AN ORIGINAL PROCEEDING IN
RELATOR.	§	HABEAS CORPUS
	§	

**OPINION**

Derek A. Quinata, a Texas attorney, filed a habeas corpus petition challenging a contempt order issued by the Honorable Angie Juarez Barill, Judge of the 346th District Court of El Paso County, Texas. Relator also filed a motion seeking a stay of a *de novo* contempt hearing scheduled by Judge Barill before the Honorable Stephen B. Ables. Finding that the contempt order was entered in a criminal case, we dismiss this original proceeding for lack of jurisdiction.

A court of appeals' original habeas corpus jurisdiction is limited to civil matters. Under Section 22.221(d) of the Government Code, a court of appeals may issue the writ of habeas corpus when a person is restrained in his liberty by virtue of an order, process, or commitment issued by a court or judge in the court of appeals' district because of the violation of an order, judgment, or decree previously made, rendered, or entered by the court or judge **in a civil case**. TEX.GOV'T CODE ANN. § 22.221(d)(West 2004). Original habeas corpus jurisdiction in criminal cases is granted to the Court of Criminal Appeals, the district courts, and county courts. *See* TEX.CODE

CRIM.PROC.ANN. art. 11.05 (West 2015).

The habeas corpus petition does not reflect that Relator was held in contempt for the violation of an order entered by a court or judge in a civil case. To the contrary, the petition reflects that Relator was representing a defendant in a criminal case pending in Judge Barill's court (cause number 20160D01693), and Judge Barill held him in contempt because he failed to appear for two scheduled hearings in these cases. Consequently, we dismiss this original habeas corpus proceeding for lack of jurisdiction. The motion requesting emergency relief is denied as moot.

October 6, 2017

YVONNE T. RODRIGUEZ, Justice

Before McClure, C.J., Rodriguez, and Palafox, JJ.