



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

Ex Parte: Bilal Muhammad, § No. 08-22-00234-CR
Appellant. § Appeal from the
§ 168th Judicial District Court
§ of El Paso County, Texas
§ (TC# 2019DCV2636)

MEMORANDUM OPINION

Appellant, Bilal Muhammad, pro se, attempts to appeal the purported denial of his pre-trial application for writ of habeas corpus and purported anti-SLAPP motion. We dismiss for want of jurisdiction.

Appellant was indicted for the murder of Lane Wiscombe, allegedly occurring in December 2015, and currently pending in trial, cause no. 20160D01015. *See In re Muhammad*, No. 08-22-00033-CR, 2022 WL 2207516, at *1 (Tex.App.—El Paso, June 21, 2022, no pet.) (mem. op., not designated for publication). That indictment remains pending in the 168th District Court of El Paso County, Texas. Since his indictment, Appellant has filed a number of appeals attempting to challenge, in one manner or another, matters concerning bond and seeking pre-trial

release. Most of these attempted appeals have been dismissed for want of jurisdiction.¹ This marks Appellant’s seventh, pro se appearance before this Court to challenge pre-trial bail conditions.

The basis of this attempted appeal is an “Emergency Petition for the Civil Writ of Habeas Corpus,” which Appellant filed on July 15, 2019, and in which Appellant again challenges his pre-trial bond. Asserting that the 168th District Court could not hear and rule on his pre-trial writ because “it is a respondent,” Appellant asked the District Clerk to transfer the cause to the 243rd District Court of El Paso County, Texas because the District Clerk had allegedly “placed [it] in the wrong court.” The District Clerk advised Appellant a pre-trial habeas writ application was properly heard in the court where the underlying criminal matter was pending. *See In re Muhammed*, 2022 WL 2207516, at *7 (noting the court of indictment has priority jurisdiction over a pre-trial habeas application). Still, in August 2019, Appellant filed an “Ex Parte Motion to Consider the Writ” and a “Motion to Reconsider,” asking the 243rd District Court to consider his writ on the merits, which was met with no response. In December 2021 and again in February 2022, Appellant filed a request to set the writ application for a hearing, this time in the 168th District Court. The record before us does not indicate that a hearing was held or that the trial court entered a written order denying the relief requested by Appellant.

¹ *In re Muhammed*, 2022 WL 2207516, at *1 (denying pro se mandamus writ petition); *Ex parte Muhammad*, No. 8- 21-00199-CR, 2022 WL 601937, at *3 (Tex.App.—El Paso, Mar. 1, 2022, pet. ref’d)(mem. op. on reh’g, not designated for publication)(dismissing pro se attempted appeal for want of jurisdiction); *In re Muhammad*, No. 08- 21-00123-CR, 2022 WL 389924, at *1 (Tex.App.—El Paso, Feb. 9, 2022, no pet.)(mem. op., not designated for publication)(denying pro se mandamus writ petition); *Muhammad v. State*, No. 08-21-00134-CR, 2021 WL 4988308, at *1 (Tex.App.—El Paso, Oct. 7, 2021, no pet.)(mem. op., not designated for publication)(dismissing pro se attempted appeal for want of jurisdiction); *Muhammad v. State*, No. 08-18-00125-CR, 2018 WL 3751742, at *1 (Tex.App.—El Paso, Aug. 8, 2018, pet. ref’d)(mem. op., not designated for publication)(dismissing pro se attempted appeal for want of jurisdiction); *Ex parte Muhammad*, No. 08-16-00079-CR, 2016 WL 3563924, at *1 (Tex.App.—El Paso, June 29, 2016, pet. ref’d)(mem. op., not designated for publication)(dismissing pro se attempted appeal for want of jurisdiction).

Nonetheless, on November 18, 2022, Appellant filed directly in this Court a pro se notice of appeal in which he purported to challenge both the denial of his pre-trial writ, as well as denial of his anti-SLAPP motion by operation of law. We have conducted a diligent search of the clerk's record in this cause and are unable to locate any such anti-SLAPP motion filed in the court below. *See* TEX.R.APP.P. 33.1 (presentation of claim to trial court by timely request, objection, or motion prerequisite to appellate review).

Turning to the complained-of pre-trial writ application in this case, when, as here, there is no written order denying the application, Appellant fails to properly invoke our jurisdiction. *State v. Wachtendorf*, 475 S.W.3d 895, 903-04 (Tex.Crim.App. 2015); *State v. Sanavongxay*, 407 S.W.3d 252, 258-259 (Tex.Crim.App. 2012) (concluding that lack of written order leaves court of appeals without jurisdiction over appeal); *Nikrasch v. State*, 698 S.W.2d 443, 450 (Tex.App.—Dallas 1985, no pet.)(court of appeals has no jurisdiction over appeal absent written judgment or order).

Accordingly, we dismiss Appellant's attempted appeal for want of jurisdiction. *See Wachtendorf*, 475 S.W.3d at 903-04; *Sanavongxay*, 407 S.W.3d at 258; *Payne v. State*, No. 12-17-00143-CR, 2017 WL 2570829, at *1 (Tex.App.—Tyler, June 14, 2017 no pet.)(per curiam)(mem. op., not designated for publication)(dismissing appeal from pre-trial habeas application for want of jurisdiction absent written order); *Walton v. State*, No. 02-18-00396-CR, No. 02-18-00397-CR, No. 02-18-00398-CR, 2018 WL 6424242, at *1 (Tex.App.—Fort Worth Dec. 6, 2018, no pet.)(per curiam)(mem. op., not designated for publication)(dismissing appeal for want of jurisdiction because appellate court had not received “a written order from the trial court— a prerequisite to appealability”); *Ex parte Wiley*, 949 S.W.2d 3, 4 (Tex.App.—Fort Worth 1996, no pet.). All pending motions are denied as moot.

YVONNE T. RODRIGUEZ., Chief Justice

December 9, 2022

Before Rodriguez, C.J., Alley, J., and Marion, C.J. (Ret.)
Marion, C.J. (Ret.) (Sitting by Assignment)

(Do Not Publish)