

DISMISS; and Opinion Filed April 8, 2013.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-13-00396-CV

IN RE LAKEITH AMIR-SHARIF, Relator

**On Appeal from the 255th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DF-09-7655-S**

MEMORANDUM OPINION

**Before Justices O'Neill, Lang-Miers, and Evans
Opinion by Justice Lang-Miers**

Relator contends that the trial judge improperly issued an order setting a trial date on February 19, 2013, after his motion to recuse was filed, and that the Honorable Judge John Ovard did not properly handle his recusal motion. The facts and issues are well known to the parties, so we need not recount them herein. With respect to the trial judge, based on the record before us, we conclude relator has not shown he is entitled to the relief requested. *See* TEX. R. APP. P. 52.8(a); *Simon v. Levario*, 306 S.W.3d 318, 320-21 (Tex. Crim. App. 2009) (orig. proceeding); *State of Tex. ex rel. Hill v. Court of Appeals for the Fifth Dist.*, 34 S.W.3d 924, 927 (Tex. Crim. App. 2001) (orig. proceeding). Accordingly, we **DENY** relator's petition for writ of mandamus to the extent it seeks relief against the trial court.

With respect to the administrative judge, this Court does not have mandamus jurisdiction over Judge Ovard for actions he takes as presiding judge of the administrative region. *See* TEX.

GOV'T CODE ANN. § 222.221 (West 2004); *In re ES Energy Solutions, LP*, No. 05-10-01158-CV, 2010 WL 3720219, at * 1 (Tex. App. – Dallas Sept. 24, 2010, orig. proceeding); *In re Hill*, No. 05-10-00463-CV, 2010 WL 1633716, at *1 (Tex.App.-Dallas Apr. 23, 2010, orig. proceeding). Accordingly, we **DISMISS** relator's petition for writ of mandamus for want of jurisdiction to the extent it seeks relief against Judge Ovard.

/Elizabeth Lang-Miers/

ELIZABETH LANG-MIERS
JUSTICE

130396F.P05