

Dismissed w.o.j. and Opinion Filed April 19, 2018



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-18-00120-CV

IN RE CHARLES ANTHONY ALLEN, SR., Relator

Original Proceeding from the 291st Judicial District Court
Dallas County, Texas
Trial Court Cause No. W99-72782-U(F)

MEMORANDUM OPINION NUNC PRO TUNC

Before Justices Lang, Myers, and Whitehill
Opinion by Justice Lang

Relator's article 11.07 petition for writ of habeas corpus is pending in the Texas Court of Criminal Appeals. In a September 20, 2017 order, the court of criminal appeals ordered the trial court to take certain actions, make certain findings, and file a supplemental transcript and supplemental findings of fact and conclusions of law within 120 days of the date of the order. In this original proceeding, relator contends the trial court has not complied with the order and seeks a writ of mandamus directing the trial court to comply.

The Court of Criminal Appeals has exclusive jurisdiction to grant relief in a post-conviction habeas corpus proceeding where there is a final felony conviction. *Padieu v. Court of Appeals of Texas, Fifth District*, 392 S.W.3d 115, 117 (Tex. Crim. App. 2013); *Ex parte Alexander*, 685 S.W.2d 57, 60 (Tex. Crim. App. 1985); TEX. CODE CRIM. PROC. ANN. art. 11.07 § 5 (West Supp. 2013). An intermediate appellate court has no jurisdiction to rule on matters pertaining to a pending Article 11.07 application. *Padieu*, 392 S.W.3d at 117–18. The September 20, 2017 order

pertains to relator's pending Article 11.07 application. We, therefore, have no jurisdiction to enforce that order. Accordingly, we dismiss this proceeding for want of jurisdiction.

/Douglas S. Lang/
DOUGLAS S. LANG
JUSTICE

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