

**DISMISS; and Opinion Filed March 28, 2018.**



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

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**No. 05-18-00318-CV**

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**IN RE NICHOLAS JOHN MATEIK, Relator**

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**Original Proceeding from the 265th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. W15-44643-R(A)**

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**MEMORANDUM OPINION**

Before Justices Lang-Miers, Fillmore, and Stoddart  
Opinion by Justice Lang-Miers

This Court affirmed relator Nicholas John Mateik’s felony stalking conviction on April 24, 2017. *Mateik v. State*, No. 05–16–00434–CR, 2017 WL 1483395 (Tex. App.–Dallas Apr. 24, 2017, no pet.) (mem. op.). In this original proceeding, relator seeks a writ directing the trial court to grant his petition for writ of habeas corpus and vacate the underlying judgment and conviction.

This proceeding is a collateral attack on a final conviction and, therefore, falls within the scope of a post-conviction writ of habeas corpus under article 11.07 of the Texas Code of Criminal Procedure. *See* TEX. CODE CRIM. PROC. ANN. art. 11.07 (West 2015). Only the Texas Court of Criminal Appeals has jurisdiction in final, post-conviction felony proceedings. *Id*; *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991) (orig. proceeding); *In re McAfee*,

53 S.W.3d 715, 717 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding). Accordingly, we dismiss this proceeding for want of jurisdiction.

/Elizabeth Lang-Miers/  
ELIZABETH LANG-MIERS  
JUSTICE

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