

**DISMISS; and Opinion Filed December 18, 2018.**



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

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**No. 05-18-00929-CV**

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**IN RE CHUAN C. CHEN, ALBERT LUTTERODT,  
AND MPATANISHI TAYARI GARRETT, Relators**

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**Original Proceeding from the 102nd Judicial District Court  
Red River County, Texas  
Trial Court Cause No. CV04011**

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**MEMORANDUM OPINION**

Before Justices Bridges, Brown, and Boatright  
Opinion by Justice Boatright

In this original proceeding, relators complain of the trial court's June 14, 2018 temporary restraining order and July 26, 2018 temporary injunction. The trial court is in Red River County, Texas. Relators seek a writ of mandamus declaring the trial court's orders void or, alternatively, directing the trial court to vacate the orders. Relators also seek a writ prohibiting the trial court from hearing any matters in the underlying proceeding. Finally, relators seek a writ of injunction enjoining the real parties in interest from prosecuting the underlying proceeding.

This Court's writ power is governed by section 22.221 of the Texas Government Code. Section 22.221 expressly limits the writ power of the courts of appeals to issuance of: (a) writs of mandamus and other writs necessary to enforce the court of appeals' jurisdiction and (b) writs of mandamus against (1) a judge of a district, statutory county, statutory probate county, or county court in the court of appeals district, (2) a judge of a district court who is acting as a magistrate at

a court of inquiry under Chapter 52 of the code of criminal procedure in the court of appeals district, or (3) an associate judge of a district or county court appointed by a judge under Chapter 201 of the family code in the court of appeals district for the judge who appointed the associate judge. TEX. GOV'T CODE ANN. §§ 22.221(a),(b)(1–3). Red River County is not within this Court's district. The Fifth Court of Appeals District is composed of Collin, Dallas, Grayson, Hunt, Kaufman, and Rockwall Counties. *Id.* § 22.201(f). Because the petition is directed toward a district court outside of this Court's district, we lack writ power under section 22.221(b). *Id.* § 22.221(b)(1).

We also lack writ power under section 22.221(a). Relators contend the Red River County proceedings are interfering with or will interfere with this Court's jurisdiction over an appeal from a Dallas County district court order that is currently pending in this Court. *See* Cause number 05-18-00613-CV. We disagree. The Red River County lawsuit was brought against parties who were not parties to the Dallas County suit at issue in 05-18-00613-CV. Further, the claims asserted in the Red River County suit are unrelated to the claims asserted in the Dallas County suit. The Red River County suit concerns the ownership of real property in Red River County that the real parties in interest maintain was fraudulently transferred by Albert Lutterodt and Chuan C. Chen to avoid paying a 2014 money judgment awarded against Lutterodt and in favor of the real parties in interest. The appeal pending in 05-18-00613-CV, in contrast, is relator Chuan C. Chen's appeal of a declaratory judgment action dismissed under Rule 91a that involved issues unrelated to the proceeding in Red River County. The Red River County proceedings are unrelated to the appeal of the Dallas County orders and, therefore, are not interfering with this Court's jurisdiction over the appeal pending in 05-18-00613-CV.

Because the petition is directed toward a district court outside of this Court's district, and issuing a writ of mandamus, writ of prohibition, or writ of injunction is not necessary to enforce

this court's jurisdiction in 05-18-00613-CV, we have no power to issue a writ in this original proceeding. Accordingly, we dismiss this proceeding.

/Jason Boatright/

JASON BOATRIGT  
JUSTICE

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