

DISMISSED and Opinion Filed October 27, 2020



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

No. 05-20-00821-CV

IN RE CLYDE JOE PARKER II, Relator

**Original Proceeding from the 59th Judicial District Court
Grayson County, Texas
Trial Court Cause No. 049314-C**

MEMORANDUM OPINION

Before Justices Osborne, Reichek, and Browning
Opinion by Justice Reichek

In this original proceeding, relator Clyde Joe Parker II has filed a petition for writ of mandamus and a motion seeking permission to file his petition. Because relator need not seek permission to file a petition for writ of mandamus, we deny the motion as moot. *See* TEX. R. APP. P. 52.1. Because we lack jurisdiction to grant mandamus relief in this case, we dismiss the petition for writ of mandamus without considering its merits.

Relator was convicted of aggravated assault of a public servant and is serving an eighteen-year sentence for that offense. *See Parker v. State*, No. 05-03-00631-CR, 2004 WL 187836 (Tex. App.—Dallas Feb. 2, 2004, no pet.) (mem. op., not designated for publication). Relator reports that he was paroled for a period of time,

but he has been arrested and is now confined. Relator seeks the Court's assistance to compel the trial court to consider and rule upon a writ of habeas corpus in which he contends he has completed his sentence if his time credits are applied correctly. Relator has attached a copy of his habeas application as an appendix to his petition for writ of mandamus.

Because relator was convicted of a felony and sentenced to prison, his application for post-conviction habeas relief is filed pursuant to article 11.07 of the code of criminal procedure. *See* TEX. CODE CRIM. PROC. ANN. art. 11.07, §§ 1, 5. Our mandamus jurisdiction does not extend to ordering a trial court to rule on matters associated with a pending article 11.07 writ application. *Padieu v. Court of Appeals of Tex., Fifth Dist.*, 392 S.W.3d 115, 117–18 (Tex. Crim. App. 2013); *see also In re Ward*, No. 12-15-00142-CR, 2015 WL 3505189, at *1 (Tex App.—Tyler June 3, 2015, orig. proceeding) (mem. op., not designated for publication); *In re Hamilton*, No. 03-13-00384-CV, 2013 WL 3336839, at *1 (Tex. App.—Austin June 26, 2013, orig. proceeding) (mem. op).

Accordingly, we dismiss relator's petition for writ of mandamus.

/Amanda L. Reichel/
AMANDA L. REICHEK
JUSTICE

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