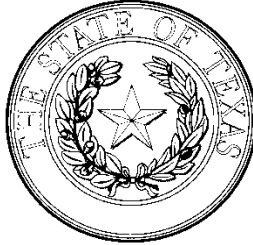


Opinion issued March 31, 2011



In The
Court of Appeals
For The
First District of Texas

NO. 01-11-00157-CV

IN RE P.L.M., Relator

Original Proceeding on Petition for Writ of Habeas Corpus

MEMORANDUM OPINION

Relator, P.L.M., has filed a pro se original petition for writ of habeas corpus in this Court. *See* TEX. GOV'T CODE § 22.221(d) (Vernon 2004); *see also* TEX. R. APP. P. 52.1. In November 1991, 15-year-old, P.L.M was adjudicated a delinquent for committing the offense of murder and given a 30 year determinate sentence. In 1993, the trial court held a transfer/release hearing. Following the hearing, P.L.M. was transferred from the custody of the Texas Youth Commission to an adult

prison facility, where he remains incarcerated. In this original habeas corpus proceeding, P.L.M. seeks release from incarceration on ground that he received ineffective assistance of counsel during his delinquency hearing, during the transfer/release hearing, and during the appeal of the transfer order.

A person confined pursuant to an adjudication and disposition in juvenile court is entitled to seek habeas corpus relief in the appropriate court; however, this Court does not have original habeas corpus jurisdiction of such matters. *See In re Hall*, No. 04-06-00835-CV, 2006 WL 3610833, at*1 (Tex. App.—San Antonio 2006, orig. proceeding) (mem. op.); *see also* TEX. FAM. CODE ANN. § 56.01(o) (Vernon 2002). This Court lacks original jurisdiction to issue a writ of habeas corpus, except in narrow circumstances not present here. *See* TEX. CONST. art. V, § 6 (providing that courts of appeals “shall have such other jurisdiction, original and appellate, as may be prescribed by law”). Specifically, this Court has original jurisdiction to issue a writ of habeas corpus only when it appears that a person is restrained in his liberty “by virtue of an order, process, or commitment issued by a court or judge because of the violation of an order, judgment, or decree previously made, rendered, or entered by the court or judge in a civil case.” TEX. GOV’T CODE ANN. § 22.221(d).

This Court lacks original jurisdiction to issue a writ of habeas corpus when, as here, the habeas petitioner seeks release from incarceration stemming from his

adjudication as a juvenile delinquent and subsequent transfer to adult prison. *See Ex parte Hofmayer*, 420 S.W.2d 137, 138 (Tex. 1967) (holding original habeas jurisdiction did not extend to restraint of juvenile allegedly in violation of due process); *Hall*, 2006 WL 3610833, at*1. Accordingly, we dismiss P.L.M.'s petition for writ of habeas corpus. *See Hall*, 2006 WL 3610833, at*1.

PER CURIAM

Panel consists of Justices Jennings, Higley, and Brown.