

Opinion issued October 1, 2013



In The
Court of Appeals
For The
First District of Texas

NO. 01-13-00733-CV

IN RE KRISTOFER KASTNER, Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

On August 27, 2013, relator, Kristofer Kastner, who has been deemed a vexatious litigant subject to a prefiling order,¹ filed a pro se petition for writ of mandamus challenging the respondent's² July 1, 2013 denial of his request to file

¹ See *In re Kastner*, No. 01-13-00318-CV, 2013 WL 4478071, at *1 (Tex. App.—Houston [1st Dist.] Aug. 20, 2013, orig. proceeding).

² The respondent is the Honorable Ken Wise, Local Administrative Judge of Harris County, Texas.

an appeal of the trial court’s orders declaring him a vexatious litigant and dismissing the underlying suit.³ See TEX. CIV. PRAC. & REM. CODE ANN. § 11.102(c) (Vernon Supp. 2012) (providing that litigant may not appeal administrative judge’s determination, but that litigant may apply for writ of mandamus “not later than the 30th day after the date of the decision” of local administrative judge denying litigant permission to file litigation). Relator was denied permission to file his appeal on July 1, 2013, but he did not file his petition in this Court until August 27, 2013. See *In re Johnson*, 390 S.W.3d 584, 586 (Tex. App.—Amarillo 2012, orig. proceeding) (holding that legislature limited appellate courts’ exercise of writ power under section 11.102(c) to petitions filed no later than thirtieth day after local administrative judge’s decision and that petitions filed outside that time frame do not invoke appellate court’s mandamus jurisdiction).

Accordingly, we dismiss the petition for writ of mandamus for want of jurisdiction. Any pending motions are dismissed as moot.

PER CURIAM

Panel consists of Justices Keyes, Higley, and Massengale.

³ The underlying proceeding is *Kastner v. Sanders et al.*, No. 2011-54173 (133rd District Court, Harris County, Tex.), the Honorable Jaclanel McFarland presiding.