

Opinion issued December 22, 2015



In The
Court of Appeals
For The
First District of Texas

NO. 01-15-00696-CR

IN RE SAMUEL ROY JACKSON, Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

Relator, Samuel Roy Jackson, incarcerated and proceeding *pro se*, has filed a petition for a writ of mandamus, seeking issuance of a writ directing respondent to consider and rule on his petition for a writ of habeas corpus, motion for an

evidentiary hearing, and motion for a bench warrant.¹ We dismiss relator's petition for a writ of mandamus.

Because relator's petition reflects that he has filed a petition for a writ of habeas corpus in the trial court, his mandamus petition relates to a pending post-conviction habeas corpus application involving a final felony conviction. *See* TEX. CODE CRIM. PROC. ANN. art. 11.07 (Vernon 2015). This Court does not have jurisdiction to grant relator's requested relief; only the Texas Court of Criminal Appeals has jurisdiction in final post-conviction habeas corpus proceedings. *See Padieu v. Ct. App. of Tex., Fifth Dist.*, 392 S.W.3d 115, 117 (Tex. Crim. App. 2013). Accordingly, any complaints about inaction on matters relating to relator's post-conviction application for a writ of habeas corpus must be brought in the Texas Court of Criminal Appeals. *See In re Briscoe*, 230 S.W.3d 196, 196–97 (Tex. App.—Houston [1st Dist.] 2006, orig. proceeding) (“Article 11.07 contains no role for the courts of appeals.”); *In re McAfee*, 53 S.W.3d 715, 717 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding) (noting that “only the Texas Court of Criminal Appeals has jurisdiction in final post-conviction felony proceedings”). We have no authority to issue writs of mandamus in criminal law matters relating to final post-conviction felony proceedings. *See In re McAfee*, 53 S.W.3d at 717.

¹ Relator's petition identifies the underlying case as Cause No. 913043, in the 183rd District Court of Harris County, Texas, the Honorable Vanessa Velasquez presiding.

Accordingly, we dismiss relator's petition for a writ of mandamus for want of jurisdiction and dismiss all pending motions as moot.

PER CURIAM

Panel consists of Justices Jennings, Keyes, and Bland.

Do not publish. TEX. R. APP. P. 47.2(b).