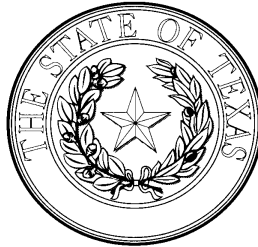


Opinion issued August 2, 2016



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-16-00538-CV

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IN RE EVATRUS D. MOSS, Relator

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Original Proceeding on Petition for Writ of Mandamus

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**MEMORANDUM OPINION**

Evatrus D. Moss seeks a writ of mandamus to require the Clerk of this Court to file a new notice of appeal in appellate cause number 01-95-00571-CV.<sup>1</sup> We dismiss the petition for lack of jurisdiction.

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<sup>1</sup> The underlying case is *The State of Texas v. Evatrus Derjuan Moss*, cause number 88343, in the 80th District Court of Harris County, Texas. The case is no longer pending.

Once our plenary power expires, we no longer have jurisdiction to vacate or modify our judgment. *See* TEX. R. APP. P. 19.3. Because Moss filed no motion for rehearing in cause number 01–95–00571–CV, and no petition for review was filed with the Texas Supreme Court, this Court’s jurisdiction over this cause expired 60 days after our judgment issued on November 16, 1995. *See Saudi v. Brieven*, 176 S.W.3d 108, 117 (Tex. App.—Houston [1st Dist.] 2004, pet. denied); TEX. R. APP. P. 19.1. Accordingly, we have no jurisdiction to grant mandamus relief. *See* TEX. GOV’T CODE ANN. § 22.221 (West 2004) (appellate courts have jurisdiction to grant writs of mandamus against district or county court judges or to enforce our jurisdiction).

We dismiss the petition for lack of jurisdiction.

**PER CURIAM**

Panel consists of Justices Keyes, Brown, and Huddle.