

Opinion issued October 22, 2020



In The
Court of Appeals
For The
First District of Texas

NO. 01-19-01005-CR

IN RE DAVID JAMES, Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

Relator, David James, filed a petition for writ of mandamus, to compel the respondent, the Honorable Donald L. Kraemer, presiding judge of the 12th District Court in Walker County to rule on relator's motion to recuse. We dismiss for lack of jurisdiction.¹

¹ The underlying case is *David James v. State of Texas*, cause number 21928, pending in the 12th District Court of Walker County, Texas, the Hon. Donald L. Kraemer presiding.

The State of Texas is divided into fourteen courts of appeals districts. This Court's district "is composed of the counties of Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Grimes, Harris, Waller, and Washington." TEX. GOV'T CODE § 22.201(a)-(b). Although this Court's district previously included Walker County, this was changed by the Legislature in 2005. *See* Act of September 1, 2005, 79th Leg., R.S., ch. 542, sec. (1)(b), 2005 Tex. Gen. Laws 1466. And, although relator's previous appeals and original proceedings were heard in this Court, those were filed before the effective date of the amended Section 22.201(b). Walker County is now within the district of the Tenth Court of Appeals located in Waco, Texas. *See* TEX. GOV'T CODE § 22.201(k).

This Court lacks jurisdiction to consider a petition for writ of mandamus seeking to compel an action by a trial court of a county not within this Court's district. *See* TEX. GOV'T CODE § 22.221(b) (providing that courts of appeals may issue writs of mandamus "against a judge of a district, statutory county, statutory probate county, or county court in the court of appeals district"); *In re Johnson*, 279 S.W.3d 700, 701 (Tex. App.—Amarillo 2007, orig. proceeding) (dismissing mandamus petition for lack of jurisdiction because relator sought relief against trial court in county not within court of appeals' district). Although this Court does have jurisdiction to issue writs of mandamus "necessary to enforce the jurisdiction of the court," this petition does not seek to enforce our jurisdiction. *See In re Williams*, 123

S.W.3d 39, 40–41 (Tex. App.—Houston [1st Dist.] 2003, orig. proceeding) (dismissing petition for writ of mandamus because Brazos County was no longer within First Court of Appeals district and petition did not seek to enforce jurisdiction of First Court of Appeals).

Accordingly, the petition for writ of mandamus is dismissed for lack of jurisdiction. *See Williams*, 123 S.W.3d at 41. Any pending motions are dismissed as moot.

PER CURIAM

Panel consists of Justices Kelly, Goodman, and Countiss.

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