

Petition for Writ of Prohibition Denied and Memorandum Opinion filed October 5, 2010.



In The

Fourteenth Court of Appeals

NO. 14-10-00935-CV

IN RE RINO PUNNOOSE KALATHIL, Relator

**ORIGINAL PROCEEDING
WRIT OF PROHIBITION**

MEMORANDUM OPINION

On October 1, 2010, relator Rino Punnoose Kalathil filed a petition for writ of prohibition in this court. *See* Tex. Gov't Code Ann. §22.221 (Vernon 2004); *see also* Tex. R. App. P. 52. In the petition, relator asks this court to compel the Honorable Robert J. Kern, presiding judge of the 387th District Court of Fort Bend County to restrain from hearing the petition for post-divorce division of undisclosed property filed by Susan Kalathil, the real party in interest.

Appellate courts have no authority to issue writs of prohibition to protect unappealed district court judgments. *Texas Employers Ins. Ass'n v. Kirby*, 137 Tex. 106, 152 S.W.2d 1073 (1941); *In re Richardson*, 252 S.W.3d 822, 831 (Tex. App.—Texarkana 2008, orig. proceeding). The writ is typically used to protect the subject matter of an appeal or to prohibit an unlawful interference with the enforcement of a superior court's orders and judgments. *See Holloway v. Fifth Court of Appeals*, 767

S.W.2d 680, 683 (Tex.1989) (orig.proceeding); *In re Olson*, 252 S.W.3d 747 (Tex. App.—Houston [14th Dist.] 2008, orig. proceeding). In this case, there is no appeal pending to be protected. Therefore, a writ of prohibition is inappropriate.

Relator has not established entitlement to the extraordinary relief of a writ of prohibition. Accordingly, we deny relator's petition for writ of prohibition.

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Yates and Anderson.