

**Petition for Writ of Habeas Corpus Dismissed and Memorandum Opinion
filed February 7, 2017.**



In The

Fourteenth Court of Appeals

NO. 14-17-00062-CV

IN RE J.J, Relator

**ORIGINAL PROCEEDING
WRIT OF HABEAS CORPUS
313th District Court
Harris County, Texas
Trial Court Cause No. 2015-05307J**

MEMORANDUM OPINION

On Tuesday, January 24, 2017, relator J.J. filed a petition for writ of habeas corpus in this court. *See* Tex. Gov't Code Ann. § 22.221 (West 2004); *see also* Tex. R. App. P. 52. In the petition, relator complains of a final decree, signed by Honorable Glenn Devlin, presiding judge of the 313th District Court of Harris County, terminating the parent-child relationship between relator and her children, S.R.G. and C.J.G.

A court of appeals may issue a writ of habeas corpus when a person's liberty is restrained because the person has violated an order, judgment, or decree entered in a civil case. *See* Tex. Gov't Code Ann. § 22.221(d). An original habeas corpus proceeding is a collateral attack on a contempt order. *Ex parte Rohleder*, 424 S.W.2d 891, 892 (Tex. 1967) (orig. proceeding). The contemnor bears the burden of showing that he is entitled to relief. *In re Chaumette*, 439 S.W.3d 412, 415 (Tex. App.—Houston [1st Dist.] 2014, orig. proceeding).

Relator has not suggested or proved that she has been found in contempt. *See* Tex. R. App. P. 52.3(k)(1); 52.7(a). Rather, she is challenging a final judgment that she has already appealed to this court. *See* No. 14-16-00900-CV, *In the Interest of S.R.G. and C.J.G., Children*.

Because she has not been found in contempt, relator's petition does not invoke our jurisdiction to issue a writ of habeas corpus in a civil case. *See Ex parte Crawford*, 91 S.W.2d 1047, 1048 (Tex. 1936); *In re Gonzalez*, No. 04-02-00799-CV, 2002 WL 31695086, *1 (Tex. App.—San Antonio Dec. 4, orig. proceeding). Accordingly, we dismiss her petition for writ of habeas corpus.

PER CURIAM

Panel consists of Justices Boyce, Jamison, and Brown.