

Petition for Writ of Mandamus Dismissed and Opinion filed September 11, 2018.



In The

Fourteenth Court of Appeals

NO. 14-18-00767-CR

IN RE DAMON KENDRICK DOVE, Relator

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
268th District Court
Fort Bend County, Texas
Trial Court Cause No. 12-DCR-061181A**

MEMORANDUM OPINION

On Thursday, August 30, 2018, relator Damon Kendrick Dove filed a petition for writ of mandamus in this Court. *See* Tex. Gov't Code Ann. § 22.221 (West Supp. 2017); *see also* Tex. R. App. P. 52. In the petition, relator seeks a writ of mandamus from this court against itself. Relator appears to contend this court has not timely ruled in his appeal pending in this court, No. 14-17-00722-CR, *Damon Kendrick Dove v. State of Texas*. He states:

Relator contends to show "cause" as to the violations based on Rule of Appellate Procedure done by the Fourteenth Court of Appeals' non-action.

The notice received stated: This case is scheduled for submission without oral argument on the briefs and the record as recorded on Wednesday, April 18, 2018, subject to change by the Court, the members of the Panel to which case will be submitted are Justice Boyce, Justice Donovan and Justice Wise. Relator still has not heard nor received anything of this Appeal by State.

The jurisdiction of the courts of appeals to issue writs of mandamus is prescribed by section 22.221 of the Texas Government Code. A court of appeals may issue a writ of mandamus against (1) a judge of a district, statutory county, statutory probate county, or county court in the court of appeals district; (2) a judge of a district court who is acting as a magistrate at a court of inquiry under Chapter 52, Code of Criminal Procedure, in the court of appeals district; or (3) an associate judge of a district or county court appointed by a judge under Chapter 201, Family Code, in the court of appeals district for the judge who appointed the associate judge. Tex. Gov't Code Ann. § 22.221 (West 2004 & Supp. 2017). Section 22.221 does not grant jurisdiction for a court of appeals to issue a writ of mandamus against itself.

Further, we note that the court issued the opinion and judgment in relator's appeal on August 9, 2018.

We dismiss relator's petition for writ of mandamus for lack of jurisdiction.

PER CURIAM

Panel consists of Chief Justice Frost and Justices Boyce and Busby.
Do Not Publish — Tex. R. App. P. 47.2(b).