



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-18-00300-CV

IN THE INTEREST OF BABY V.

From the 408th Judicial District Court, Bexar County, Texas
Trial Court No. 2016-PA-00239
Honorable Rosie Alvarado, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice
Karen Angelini, Justice
Irene Rios, Justice

Delivered and Filed: July 25, 2018

DISMISSED FOR LACK OF JURISDICTION

Appellant filed a notice of appeal on May 3, 2018. It appears from the record and notice of appeal that appellant is attempting to appeal an order¹ denying a petition for writ of habeas corpus under chapter 157 of the Family Code. However, a trial court's order granting or denying a petition for writ of habeas corpus in a child custody case is not an appealable order. *Gray v. Rankin*, 594 S.W.2d 409, 409 (Tex. 1980); *Nydegger v. Breig*, 740 S.W.2d 551, 552 (Tex. App.—San Antonio 1987, no writ). Mandamus is the proper remedy to compel enforcement of the right to possession of a child. *Saucier v. Pena*, 559 S.W.2d 654, 656 (Tex. 1977); *Nydegger*, 740 S.W.2d at 552.

¹ Although the judge's notes contained in the clerk's record and the reporter's record indicate the trial court's denial of habeas relief, we note that the appellate record before this court does not contain a signed, final order from the trial court denying habeas relief.

On June 11, 2018, we issued an order directing appellant to show cause in writing on or before June 26, 2018 why this appeal should not be dismissed for lack of jurisdiction. Appellant has not responded.

Accordingly, we dismiss this appeal for lack of jurisdiction.

PER CURIAM