



Fourth Court of Appeals San Antonio, Texas

MEMORANDUM OPINION

No. 04-19-00125-CV

EX PARTE A.X.L. JR., a Child

From the 406th Judicial District Court, Webb County, Texas
Trial Court No. 2019FLK00214D4
Honorable Oscar J. Hale, Jr., Judge Presiding

PER CURIAM

Sitting: Patricia O. Alvarez, Justice
Luz Elena D. Chapa, Justice
Irene Rios, Justice

Delivered and Filed: May 15, 2019

DISMISSED FOR WANT OF JURISDICTION

On February 11, 2019, the trial court signed an order granting a writ of habeas corpus to compel the return of A.X.L. Jr. to his father A.X.L. Appellant Mother filed a notice of appeal.

On April 12, 2019, we advised Appellant that 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), and that 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. We ordered Appellant to show cause in writing why this appeal should not be dismissed for want of jurisdiction.

On May 3, 2019, Appellant filed a motion to dismiss this appeal.

As we advised Appellant, 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*, 594 S.W.2d at 409; *Nydegger*, 740 S.W.2d at 552. We dismiss this appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a); *Gray*, 594 S.W.2d at 409; *Nydegger*, 740 S.W.2d at 552.

PER CURIAM