

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-11-00203-CR

IN RE RONALD BIAGASE

Original Proceeding

MEMORANDUM OPINION

Relator Ronald Biagase filed a petition for a writ of mandamus, in which he contends that the sheriff of Jefferson County is unlawfully restraining his liberty. Biagase contends he was convicted of possession of a controlled substance and sentenced to six months of confinement on February 14, 2011, and that because he was awarded credit for time served, he is entitled to release.

This Court's mandamus jurisdiction is governed by the Texas Government Code. Section 22.221 expressly limits the mandamus jurisdiction of the courts of appeals to (1) writs necessary to enforce the jurisdiction of the court of appeals and (2) writs against

specified district or county court judges within the court of appeals district. Tex. Gov't Code Ann. § 22.221 (West 2004). We have no jurisdiction to issue a writ of mandamus against a sheriff unless necessary to enforce our jurisdiction. *See id.* Biagase's petition relates to post-conviction relief from an otherwise final felony conviction;¹ therefore, the requested relief is not necessary to enforce our jurisdiction. Accordingly, we deny the petition for writ of mandamus.

PETITION DENIED.

PER CURIAM

Opinion Delivered May 18, 2011
Do Not Publish

Before Gaultney, Kreger, and Horton, JJ.

¹ *See* Tex. Code Crim. Proc. Ann. art. 11.07 (West Supp. 2010).