

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-16-00140-CV**

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**IN RE GERALD B. WILSON**

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**Original Proceeding**  
**435th District Court of Montgomery County, Texas**  
**Trial Cause No. 07-02-02127-CV**

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**MEMORANDUM OPINION**

Gerald B. Wilson filed a petition for a writ of habeas corpus. We notified Wilson that his petition failed to state a valid basis for our jurisdiction, and we instructed Wilson to amend his petition to state a valid basis for habeas jurisdiction or to request mandamus relief. Wilson's amended petition argues he is being deprived of his liberty by virtue of the trial court's amendment of its previous order committing Wilson as a sexually violent predator.

Our jurisdiction under section 22.221(d) is limited to contempt orders. *See* Tex. Gov't Code Ann. § 22.221(d) (West 2004). Because section 22.221(d) grants

original habeas jurisdiction when a person is restrained “by virtue of an order . . . issued by a court . . . *because of the violation* of an order, judgment, or decree previously made . . . by the court or judge in a civil case[.]” we lack original habeas jurisdiction to consider an order that does not involve a contemnor’s violation of a previous court order. *Id.* (emphasis added); see *In re Reece*, 341 S.W.3d 360, 369-70 (Tex. 2011) (court lacked habeas jurisdiction of judgment for constructive contempt under statute describing Texas Supreme Court’s original jurisdiction). Wilson’s confinement does not arise from his alleged violation of the trial court’s order of civil commitment. Although he was given an opportunity to amend his petition, he has not requested mandamus relief. The petition for writ of habeas corpus is dismissed without prejudice and without reference to the merits.

PETITION DISMISSED.

PER CURIAM

Submitted on May 25, 2016  
Opinion Delivered May 26, 2016

Before McKeithen, C.J., Kreger and Horton, JJ.