

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

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**NO. 09-19-00108-CV**

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**IN RE ANDREW WELLER**

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**Original Proceeding**  
**Criminal District Court of Jefferson County, Texas**  
**Trial Cause Nos. 49280 and 49361**

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**MEMORANDUM OPINION**

Andrew Weller filed an original petition for a writ of habeas corpus with this Court. Weller is being held in Rusk State Hospital after having been found not guilty by reason of insanity in 1988. *See Weller v. State*, No. 09-14-00292-CV, 2015 WL 1612011, at \*1–2 (Tex. App.—Beaumont Apr. 9, 2015, pet. denied) (mem. op.). Our jurisdiction to issue a writ of habeas corpus may be invoked if a person is restrained in his liberty, “by virtue of an order, process, or commitment issued by a court or judge because of the violation of an order, judgment, or decree previously made,

rendered, or entered by the court or judge in a civil case.” Tex. Gov’t Code Ann. § 22.221(d) (West Supp. 2018). We lack original habeas jurisdiction to consider an order that does not involve a contemnor’s violation of a previous court order. *Id.* Weller’s petition fails to invoke a matter over which we have original habeas jurisdiction. We dismiss the petition without prejudice and without reference to the merits.

PETITION DISMISSED.

PER CURIAM

Submitted on April 17, 2019  
Opinion Delivered April 18, 2019

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