

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-19-00230-CV

IN RE JAMES RUBIO

Original Proceeding
435th Judicial District Court of Montgomery County, Texas
Trial Cause No. 11-04-04400-CV

MEMORANDUM OPINION

James Rubio filed a pro se petition for civil writ of habeas corpus, in which he complains of his commitment as a sexually violent predator following a jury trial in the 435th Judicial District Court. In his petition, Rubio complains about his jury trial wherein the jury found him to be a “sexually violent predator” and the statutory procedure governing his trial.

Courts of Appeals have original jurisdiction to issue a civil writ of habeas corpus only when “the restraint of liberty is 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). Rubio’s petition is not within this Court’s jurisdiction under section 22.221(d). We dismiss Rubio’s petition for lack of jurisdiction.

PETITION DISMISSED.

PER CURIAM

Submitted on August 21, 2019
Opinion Delivered August 22, 2019

Before Kreger, Horton, and Johnson, JJ.