

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-23-00063-CR

IN RE HAROLD MOTEN

Original Proceeding
Jefferson County, Texas
Trial Cause No. 39003

MEMORANDUM OPINION

Harold Moten filed a petition for a writ of mandamus. On March 1, 2023, we notified Moten that his mandamus petition failed to comply with the applicable rules, and we warned him that his petition would be dismissed unless he amended his petition to include the required information that he had omitted from his mandamus petition. Moten filed an amended petition but failed to correct the defects in his petition. Critically, Moten claims he is in the custody of the Jefferson County Sheriff, but he failed to identify the name of the trial court judge in his mandamus petition. *See* Tex. R. App. P. 52.2, 52.3(d)(2). Moten failed to adequately identify the real

party in interest. *See* Tex. R. App. P. 52.2, 52.3(a). Moten failed to file a certificate of service that showed he mailed a copy of the mandamus petition to the respondent and the real party in interest. *See* Tex. R. App. P. 9.5(a), (d). Due to these and additional uncured defects, this Court cannot determine whether Moten seeks relief against a party over whom this Court may exercise mandamus jurisdiction. *See* Tex. Gov't Code Ann. § 22.221. Accordingly, we dismiss the petition for a writ of mandamus.

PETITION DISMISSED.

PER CURIAM

Submitted on April 11, 2023
Opinion Delivered April 12, 2023
Do Not Publish

Before Horton, Johnson and Wright, JJ.