



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-13-00420-CV

IN RE MAURICE BLUITT

RELATOR

ORIGINAL PROCEEDING

MEMORANDUM OPINION¹

Relator filed this petition for writ of mandamus requesting that this court order the trial court to rule on relator's article 11.07 application for writ of habeas corpus, which he filed with the trial court on January 12, 2010. The court is of the opinion that the petition should be dismissed for want of jurisdiction.

An intermediate court of appeals has no jurisdiction over a post-conviction application for writ of habeas corpus in a felony case. See *Padieu v. Court of Appeals of Tex., Fifth Dist.*, 392 S.W.3d 115, 117 (Tex. Crim. App. 2013); see also Tex. Code Crim. Proc. Ann. art. 11.07, § 5 (West Supp. 2013). Similarly, an

¹See Tex. R. App. P. 47.4, 52.8(d).

intermediate appellate court has no authority to compel a trial court to rule on matters related to a petition for writ of habeas corpus. See *In re McAfee*, 53 S.W.3d 715, 717–18 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding). “Should an applicant find it necessary to complain about an action or inaction of the convicting court, the applicant may seek mandamus relief from the [Texas] Court of Criminal Appeals.” *Id.* at 718 (citing Tex. Const. art. V, § 5). Because we have no jurisdiction to grant mandamus relief against the trial court here regarding a pending article 11.07 proceeding, we dismiss relator’s petition for want of jurisdiction. See *id.*; see also *Padieu*, 392 S.W.3d at 117.

Accordingly, relator’s petition for writ of mandamus is dismissed for want of jurisdiction.

PER CURIAM

PANEL: WALKER, J.; LIVINGSTON, C.J.; and DAUPHINOT, J.

DELIVERED: December 13, 2013