



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

NO. 02-17-00006-CR

ROGER MERRITT THIELEMAN

APPELLANT

V.

THE STATE OF TEXAS

STATE

FROM CRIMINAL DISTRICT COURT NO. 4 OF TARRANT COUNTY
TRIAL COURT NO. 0802855D

MEMORANDUM OPINION¹

In January 2017, we received Appellant Roger Merritt Thieleman's "Motion to Appeal Magistrate's Decision" complaining of the magistrate's November 21, 2016 denial of his request for the appointment of counsel to file a postconviction DNA motion and to assist him in seeking postconviction habeas relief. The district judge denied Appellant's request for reconsideration of the magistrate's

¹See Tex. R. App. P. 47.4.

decision on November 29, 2016. The “Motion to Appeal” was file-marked by the trial court clerk on November 30, 2016.

Liberally construing the document as a notice of appeal from the district court’s decision, see Tex. R. App. P. 27.1(b), we notified Appellant on January 13, 2017, that we have no appellate jurisdiction over interlocutory appeals from orders denying counsel for DNA testing, *Gutierrez v. State*, 307 S.W.3d 318, 323 (Tex. Crim. App. 2010), or over appeals relating to the denial of postconviction relief under article 11.07 of the code of criminal procedure, Tex. Code Crim. Proc. Ann. art. 11.07, § 5 (West 2015), including the denial of requests for appointment of counsel, *Cooper v. State*, No. 02-15-00145-CR, 2015 WL 3799069, at *1 (Tex. App.—Fort Worth June 18, 2015, pet. ref’d) (mem. op., not designated for publication); *Ex parte Wall*, Nos. 02-11-00326-CR, 02-11-00517-CR, 2012 WL 5869595, at *9 (Tex. App.—Fort Worth Nov. 21, 2012, no pet.) (mem. op., not designated for publication). We warned Appellant that absent a response showing grounds for continuing the appeal, we could dismiss it for want of jurisdiction. See Tex. R. App. P. 43.2(f). We have received no response.

Accordingly, we dismiss this appeal for want of jurisdiction.

PER CURIAM

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

DO NOT PUBLISH
Tex. R. App. P. 47.2(b)

DELIVERED: March 9, 2017