



**In the  
Court of Appeals  
Second Appellate District of Texas  
at Fort Worth**

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No. 02-20-00244-CV

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IN RE MUQTASID ABDUL QADIR

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Original Proceeding  
213th District Court of Tarrant County, Texas  
Trial Court No. 0591998D

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Before Birdwell, Womack, and Wallach, JJ.  
Per Curiam Memorandum Opinion

## MEMORANDUM OPINION

On July 27, 2020, relator Muqtasid Abdul Qadir filed a petition for writ of mandamus, complaining that the trial court has failed to rule on his postconviction application for a writ of habeas corpus. More than twenty years ago, relator was convicted of murdering his girlfriend and received a life sentence; this court affirmed that conviction on appeal.<sup>1</sup> *See Qadir v. State*, No. 2-09-276-CR, 2010 WL 3377794, at \*1–3 (Tex. App.—Fort Worth Aug. 27, 2010, pet. ref'd) (mem. op., not designated for publication) (citing *Qadir v. State*, No. 02-96-00123-CR, slip op. at 1–2 (Tex. App.—Fort Worth Aug. 14, 1997, no pet.) (not designated for publication)). Therefore, relator's felony conviction became final.

The Texas Court of Criminal Appeals has exclusive jurisdiction in postconviction proceedings in which the applicant seeks habeas relief from a felony judgment imposing a penalty other than death. *See* Tex. Code Crim. Proc. Ann. art. 11.07, §§ 1, 3. This court has no jurisdiction over an original proceeding filed by a relator complaining of a trial court's refusal to rule on a postconviction application for a writ of habeas corpus when the relator was convicted of a felony and received a penalty other than death. *See id.*; *In re Morris*, No. 12-12-00221-CR, 2012 WL 2886639, at \*1 (Tex. App.—Tyler June 29, 2012, orig. proceeding) (per curiam) (mem. op., not designated for publication); *In re Thompson*, No. 12-12-00141-CR, 2012 WL 1379669,

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<sup>1</sup>Since we affirmed his conviction, Qadir has filed several appeals. *See Qadir v. State*, No. 02-19-00377-CR, 2020 WL 1174000, at \*1 (Tex. App.—Fort Worth Mar. 12, 2020, pet. ref'd) (mem. op., not designated for publication).

at \*1 (Tex. App.—Tyler Apr. 18, 2012, orig. proceeding) (per curiam) (mem. op., not designated for publication); *In re Bowens*, No. 04-11-00784-CR, 2011 WL 5573841, at \*1 (Tex. App.—San Antonio Nov. 16, 2011, orig. proceeding) (per curiam) (mem. op., not designated for publication); *In re Perryman*, No. 04-11-00300-CR, 2011 WL 2165145, at \*1 (Tex. App.—San Antonio May 25, 2011, orig. proceeding) (per curiam) (mem. op., not designated for publication); *In re Fowler*, No. 01-10-01082-CR, 2011 WL 1755482, at \*1 n.3 (Tex. App.—Houston [1st Dist.] May 5, 2011, orig. proceeding) (per curiam) (mem. op., not designated for publication); *In re Harrison*, No. 06-08-00098-CV, 2008 WL 4147325, at \*1 (Tex. App.—Texarkana Sept. 10, 2008, orig. proceeding [mand. denied]) (mem. op.); *In re McAfee*, 53 S.W.3d 715, 716–18 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding) (per curiam).

Here, relator seeks postconviction relief from a felony conviction of murder resulting in a life sentence. Thus, we lack jurisdiction to address relator’s complaint that the trial court has failed to rule on his postconviction habeas application. *See Bowens*, 2011 WL 5573841, at \*1 (dismissing petition for lack of jurisdiction when relator who was convicted of murder and was sentenced to life in prison filed a petition for writ of mandamus complaining that the trial court refused to rule on his postconviction petition for habeas corpus). Accordingly, relator’s petition is dismissed for want of jurisdiction.

Additionally, relator filed a “Motion for Leave of the Court to File and Proceed on the Original Writ of Mandamus.” No leave is required to file a petition for writ of

mandamus in this court. *See* Tex. R. App. P. 52.1. Therefore, relator's motion for leave to file is denied as moot.

Per Curiam

Delivered: August 13, 2020