

NO. 07-11-00433-CV  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL E  
OCTOBER 31, 2011

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IN RE R. WAYNE JOHNSON, RELATOR

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Before CAMPBELL and HANCOCK, JJ. and BOYD, S.J.<sup>1</sup>

**ON PETITION FOR WRIT OF MANDAMUS**

Relator, R. Wayne Johnson, an indigent prison inmate proceeding *pro se*, seeks a writ of mandamus compelling respondent, the Honorable Edward L. Self, judge of the 242nd District Court of Castro County, to vacate an order dismissing a suit relator filed there, *Johnson v. Cornelius*.<sup>2</sup> We will deny relator's petition.

Relator's request for relief is based wholly on the contention that the trial court lacked jurisdiction over the suit he filed there because mandatory venue lay in another county.<sup>3</sup> Relator reasons that the trial court's dismissal order is therefore void. We

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<sup>1</sup> John T. Boyd, Chief Justice (Ret.), Seventh Court of Appeals, sitting by assignment.

<sup>2</sup> *Johnson v. Cornelius*, No. B9231-1011 (242nd Dist. Ct. Castro County, Tex. Jan. 13, 2011).

<sup>3</sup> See Tex. Civ. Prac. & Rem. Code Ann. § 15.019(a) (West 2002) (with exceptions, requiring actions accruing while the plaintiff is housed in a Texas Department of Criminal Justice facility to be brought in the county in which the facility is located).

addressed and rejected the same contention in relator's direct appeal of the dismissal order. *Johnson v. Cornelius*, No. 07-11-0091-CV, 2011 Tex. App. Lexis 7762 (Tex.App.--Amarillo Sept. 28, 2011, n.p.h.). Relator's current petition gives us no reason to reconsider the issue. The trial court did not lack jurisdiction, and its order dismissing relator's suit is not void. For that reason alone, relator's petition does not demonstrate an abuse of discretion by the trial court. See *In re McAllen Medical Center Inc.*, 275 S.W.3d 458, 462 (Tex. 2008) (orig. proceeding) (relator must demonstrate clear abuse of discretion by trial court and no adequate remedy by appeal). Relator is not entitled to mandamus relief. His petition is denied.

Per Curiam