



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-22-00221-CR

EX PARTE NICHOLAS V. BLAIR

ORIGINAL PROCEEDING

July 28, 2022

MEMORANDUM OPINION

Before QUINN, C.J., and PARKER and DOSS, JJ.

Nicholas V. Blair, proceeding pro se, seeks through one document both a writ of habeas corpus and writ of mandamus. Each are being sought to “exonerate” him from pending criminal charges. We deny both.

Regarding the application for habeas relief, an intermediate court of appeals has jurisdiction over such a request only in situations where a relator’s restraint of liberty arises from a violation of an order, judgment, or decree previously made by a court or judge *in a civil case*. See TEX. GOV’T CODE ANN. § 22.221(d); *In re Spriggs*, 528 S.W.3d 234, 236 (Tex. App.—Amarillo 2017, orig. proceeding). Blair’s restraint arises from his

incarceration related to pending criminal prosecution, not a civil case. Thus, we lack the authority to grant him a writ of habeas corpus.

As for the matter of mandamus relief, our jurisdiction again is limited. Statute permits us to issue such writs only to enforce our jurisdiction, TEX. GOV'T CODE ANN. § 22.221(a) or only "against" judges. *Id.* § 22.221(b)(1–3) (naming the specific judges subject to an appellate court's mandamus jurisdiction). Blair mentions no judge against or judicial act about which he seeks mandamus. Nor does he mention the existence of an appeal before us which requires mandamus intervention to protect our jurisdiction over it. Thus, his allegations fail to illustrate we have authority to grant a writ of mandamus.

Accordingly, we deny Blair's application for writ of habeas corpus and writ of mandamus.

Per Curiam

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