



**IN THE
TENTH COURT OF APPEALS**

No. 10-21-00345-CR

MARVIN EUGENE GATES, JR.,

Appellant

v.

BOBBY LUMPKIN, DIRECTOR OF TDCJ-ID,

Appellee

**United States District Court
Western District of Texas**

MEMORANDUM OPINION

On December 20, 2021, Marvin Eugene Gates Jr., filed a pro se “Writ of Supersedeas” in this Court, complaining about the dismissal of his application for writ of habeas corpus filed in the United States District Court for the Western District of Texas and seeking to proceed with an appeal. *See* 28 U.S.C. § 2254. We lack jurisdiction over any aspect of federal habeas-corpus proceedings. *See* 28 U.S.C. § 2254(a) (stating that “[t]he [U.S.] Supreme Court, a Justice thereof, a circuit judge, or a district court shall entertain an application for a writ of habeas corpus [o]n behalf of a person in custody

pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.”); *see also Slagle v. State*, No. 02-16-00097-CR, 2016 Tex. App. LEXIS 4468, at *2 (Tex. App.—Fort Worth Apr. 28, 2016, no pet.) (mem. op.) (per curiam); *In re Commitment of Goodwin*, No. 01-14-00734-CV, 2014 Tex. App. LEXIS 11915, at **1-2 (Tex. App.—Houston [1st Dist.] Oct. 30, 2014, no pet.) (mem. op.). We therefore dismiss this proceeding. *See* TEX. R. APP. P. 43.2(f).

Gates may file a motion for rehearing with this Court within fifteen (15) days after the opinion and judgment are rendered. *See* TEX. R. APP. P. 49.1. If Gates desires to have the decision of this Court reviewed by filing a petition for discretionary review, that petition must be filed with the Court of Criminal Appeals within thirty (30) days after either this Court’s judgment was rendered or the day the last timely motion for rehearing was overruled by this Court. *See id.* at R. 68.2(a).

STEVE SMITH
Justice

Before Chief Justice Gray
Justice Johnson, and
Justice Smith

Dismissed

Opinion delivered and filed December 22, 2021

Do not publish

[CR25]

