

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-06-00309-CR

Ex parte Robert Fischman

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 147TH JUDICIAL DISTRICT
NO. D-1-DC-05-700109, HONORABLE WILFORD FLOWERS, JUDGE PRESIDING**

MEMORANDUM OPINION

Robert Fischman filed a pro se petition for writ of habeas corpus challenging the validity of the indictment pending against him in this cause.¹ Although the writ did not issue, Fischman later filed a notice of appeal and the clerk's record was forwarded to this Court. The Clerk has now received and filed a supplemental record containing the district court's order dismissing cause number D-1-DC-05-700109 as part of a plea bargain in other causes.

No appeal lies from the refusal to issue a writ of habeas corpus. *Ex parte Gonzales*, 12 S.W.3d 913, 914 (Tex. App.—Austin 2000, pet. ref'd). In any event, the dismissal order renders the habeas corpus petition moot.

¹ The record contains Fischman's written waiver of counsel.

The appeal is dismissed.

Bob Pemberton, Justice

Before Chief Justice Law, Justices Patterson and Pemberton

Dismissed for Want of Jurisdiction

Filed: June 22, 2006

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