

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-08-00686-CV**

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**In re Derrick W. McDonald**

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**ORIGINAL PROCEEDING FROM BELL COUNTY**

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**MEMORANDUM OPINION**

McDonald has filed an “Original Petition for Writ of Habeas Corpus.” We do not have jurisdiction to consider McDonald’s petition. *See* Tex. Code Crim. Proc. Ann. art. 11.05; *Watson v. State*, 96 S.W.3d 497, 500 (Tex. App.—Amarillo 2002, pet. ref’d) (“Under [article 11.05], the Court of Criminal Appeals, the District Courts, and the County Courts have the power to issue a writ of habeas corpus, but the courts of appeals are not designated as having jurisdiction to entertain or issue writs of habeas corpus.”). To the extent McDonald may be challenging the trial court’s refusal to issue a writ of a habeas corpus, McDonald presents nothing for review. *See Ex parte Miller*, 931 S.W.2d 724, 725-26 (Tex. App.—Austin 1996, no pet.). The petition is dismissed for want of jurisdiction.<sup>1</sup>

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<sup>1</sup> McDonald has also filed a “Motion for Temporary Relief” requesting that this Court stay “any underlying proceedings” in the district court. We overrule that motion.

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Bob Pemberton, Justice

Before Chief Justice Law, Justices Puryear and Pemberton

Filed: December 17, 2008