

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-18-00749-CV

In re Memorial Park Medical Center, Inc.

ORIGINAL PROCEEDING FROM TRAVIS COUNTY

MEMORANDUM OPINION

Relator Memorial Park Medical Center, Inc. has filed a petition for writ of injunction against real party in interest John Green. This original proceeding arises out of ongoing litigation between Memorial Park and Green in both Travis County and Brown County. *See In Re Memorial Park Med. Ctr., Inc.*, No. 11-18-00320-CV, 2018 WL 6219607, at *1 (Tex. App.—Eastland Nov. 29, 2018, orig. proceeding); *Green v. Memorial Park Med. Ctr., Inc.*, No. 07-15-00143-CV, 2016 WL 1179207 (Tex. App.—Amarillo Mar. 25, 2016, no pet.) (mem. op.) (case transferred from Third Court of Appeals by Texas Supreme Court’s docket-equalization order); *Memorial Park Med. Ctr., Inc. v. Green*, No. 11-11-00159-CV, 2013 WL 3336609 (Tex. App.—Eastland June 27, 2013, no pet.) (mem. op.). In this original proceeding, Memorial Park seeks to have this Court issue a writ of injunction directed at Green to enjoin him “from prosecuting the \$9,020 judgment and sanctions against Memorial Park pending Memorial Park’s appeal to this Court from the ‘anti-suit’ injunctive relief granted in both [Travis County District Court] Cause No. D-1-GN-14-000373 and [Travis County District

Court] Cause No. D-1-GN-17-002451 and the permanent injunction granted to Memorial Park in Cause No. D-1-GN-17-002451 on April 30, 2018.”

This Court has limited injunctive powers. We have “no original jurisdiction to grant writs of injunction, except to prevent the invasion of [our] jurisdiction over the subject-matter of a pending appeal, or to prevent an unlawful interference with the enforcement of [our] judgments and decrees.” *Madison v. Martinez*, 42 S.W.2d 84, 86 (Tex. Civ. App.—Dallas 1931, writ ref’d). Neither Memorial Park nor Green currently has an appeal pending in this Court, and Memorial Park does not seek to prevent Green from interfering with a previous judgment of *this Court*. Accordingly, we lack jurisdiction to issue a writ of injunction against Green, and we dismiss the petition for want of jurisdiction.

Cindy Olson Bourland, Justice

Before Justices Puryear, Goodwin, and Bourland

Filed: December 13, 2018