



NUMBER 13-08-00588-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

JESUS MENDOZA,

Appellant,

v.

JUSTICE OF THE PEACE ISMAEL "MELO" OCHOA,

Appellee.

**On Appeal from the 398th District Court
of Hidalgo County, Texas.**

MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Garza and Vela
Memorandum Opinion Per Curiam**

Appellant, Jesus Mendoza, attempts to appeal an order denying appellant's petition to remove from office Justice of the Peace, Precinct 3, Place 2, Ismael Ochoa, entered on June 26, 2008. On December 23, 2008, the Clerk of the Court notified appellant it did not

appear that this Court has jurisdiction and that the appeal was subject to dismissal, unless within ten days from the date of receipt of this letter, appellant corrected the defect.

The appellant responded on January 5, 2009, filing a "Motion to Proceed on this Appeal." The appellant asserts that this Court has jurisdiction to hear an appeal of a denial of a petition for citation to remove a judge from office where concrete, specific, and conclusive evidence supports the claim that the trial judge engaged in judicial misconduct.

This Court does not have jurisdiction. An appeal may not be taken from a dismissal of a petition to remove an elected judge where the trial court refused to issue citation. See TEX. LOC. GOV'T CODE ANN. §87.016 (Vernon 1999). Accordingly, appellant's motion to proceed is DENIED and the appeal is hereby DISMISSED FOR WANT OF JURISDICTION. See TEX. R. APP. P. 42.3(a).

PER CURIAM

Memorandum Opinion delivered
and filed this the 21st day of May, 2009.