

**NO. 12-11-00181-CR**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

*IN RE:*

§

*RASHAAN GOLDEN,*

§

*ORIGINAL PROCEEDING*

*RELATOR*

§

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***MEMORANDUM OPINION***

Relator Rashaan Golden complains that he has filed a recusal motion in connection with a postconviction writ of habeas corpus and that the trial court has failed to rule on it. He seeks a writ of mandamus from this court directing the judge presiding in the trial court to either recuse herself from Relator's postconviction habeas proceedings or request the presiding judge of the administrative region to assign a judge to hear Relator's recusal motion. *See generally* TEX. CODE CRIM. PROC. ANN. art. 11.07 (Vernon Supp. 2010); TEX. R. CIV. P. 18a.

Courts of appeals have no authority to issue writs of mandamus in criminal law matters pertaining to proceedings under Article 11.07. TEX. CODE CRIM. PROC. ANN. art. 11.07, § 5 (Vernon Supp. 2010). Therefore, complaints regarding the trial court's failure to address a recusal motion filed in a postconviction habeas proceeding should be addressed to the court of criminal appeals. *See Ex parte Sinegar*, 324 S.W.3d 578, 580 (Tex. Crim. App. 2010) (citing *Ex parte Sinegar*, No. AP-76-340, slip op., 2010 WL 1794960 (Tex. Crim. App. May 5, 2010) (not designated for publication)) (addressing complaint regarding failure to act on motion to recuse filed in a postconviction habeas proceeding). Accordingly, we *dismiss* Relator's petition for writ of mandamus.

**BRIAN HOYLE**

Justice

Opinion delivered July 13, 2011.

*Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*

(DO NOT PUBLISH)