

NO. 12-17-00035-CR
IN THE COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT
TYLER, TEXAS

IN RE: §
MICHAEL ALLYN KENNEDY, § *ORIGINAL PROCEEDING*
RELATOR §

MEMORANDUM OPINION
PER CURIAM

Relator Michael Allyn Kennedy has filed this original proceeding for a writ of mandamus, in which he asks this Court to recuse itself from considering any further petitions filed by Relator. His complaint appears to be based on our memorandum opinion of January 11, 2017, in which this Court dismissed another of Relator’s original proceedings for want of jurisdiction. See *In re Kennedy*, No. 12-17-00021-CR, 2017 WL 104635 (Tex. App.—Tyler Jan. 11, 2017, orig. proceeding) (mem. op.). Once an appellate court issues an opinion, however, the time for filing a motion to recuse expires. *In re Johnson*, 468 S.W.3d 237, 239 (Tex. App.—Amarillo 2015, orig. proceeding); see TEX. R. APP. P. 16.3(a) (stating that a party may move for recusal of a justice before whom the case is pending). Accordingly, Relator’s petition for writ of mandamus is *denied*. See TEX. R. APP. P. 52.8(a).

Opinion delivered January 25, 2017.
Panel consisted of Worthen, C.J., Hoyle, J. and Neeley, J.

(DO NOT PUBLISH)



COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT

JANUARY 25, 2017

NO. 12-17-00035-CR

IN RE: MICHAEL ALLYN KENNEDY,
Relator

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petition for writ of mandamus filed by Michael Allyn Kennedy; who is the relator in Cause No. 29326, pending on the docket of the 3rd Judicial District Court of Anderson County, Texas. Said petition for writ of mandamus having been filed herein on January 25, 2017, and the same having been duly considered, because it is the opinion of this Court that the writ should not issue, it is therefore **CONSIDERED, ADJUDGED** and **ORDERED** that the said petition for writ of mandamus be, and the same is, hereby **denied**.

By per curiam opinion.

Panel consisted of Worthen, C.J., Hoyle, J. and Neeley, J.