

**NO. 12-17-00162-CR**  
**IN THE COURT OF APPEALS**  
**TWELFTH COURT OF APPEALS DISTRICT**  
**TYLER, TEXAS**

*IN RE:* §  
*MICHAEL A. KENNEDY,* § *ORIGINAL PROCEEDING*  
*RELATOR* §

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***MEMORANDUM OPINION***  
***PER CURIAM***

Relator, Michael A. Kennedy, has filed this original proceeding in which he contends that the trial court and this Court should recuse themselves from acting in any lawsuits filed by Relator. We deny the petition.

Relator's request for recusal is based on his dissatisfaction with his criminal conviction in trial court cause number 29326. Relator's conviction has been final for several years, and cause number 29326 is no longer pending in the trial court. See *Kennedy v. State*, No. 12-11-00041-CR, 2012 WL 3201924, at \*8 (Tex. App.-Tyler Aug. 8, 2012, pet. ref'd) (mem. op., not designated for publication) (affirming judgment on punishment); see also *Kennedy v. State*, No. 12-08-00246-CR, 2009 WL 4829989, at \*3-4 (Tex. App.-Tyler Dec. 16, 2009, pet. stricken) (mem. op., not designated for publication) (affirming judgment of conviction). The applicable rules governing recusal apply to judges in which the case is pending. See TEX. R. APP. P. 16.3 (stating that a party may move for recusal of a justice before whom the case is pending); see also TEX. R. CIV. P. 18a (a party may seek recusal of a judge who is sitting in the case by filing a motion with the clerk of the court in which the case is pending). Relator's case is no longer pending in the trial court or this Court. Accordingly, we *deny* his petition for writ of mandamus.

Opinion delivered May 31, 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(DO NOT PUBLISH)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**

**MAY 31, 2017**

**NO. 12-17-00162-CR**

**MICHAEL A. KENNEDY,**  
Relator  
V.

**HON. MARK A. CALHOON,**  
Respondent

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**ORIGINAL PROCEEDING**

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ON THIS DAY came to be heard the petition for writ of mandamus filed by Michael A. Kennedy; who is the relator in Cause No. 29326. Said petition for writ of mandamus having been filed herein on May 24, 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.*