

**NO. 12-17-00167-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***

In this petition for writ of prohibition, Michael A. Kennedy seeks recusal of the trial court judge and this Court, on grounds that he filed a civil rights complaint related to events that occurred during his criminal trial.<sup>1</sup> However, Relator provides no “clear and concise argument” or “appropriate citations to authorities,” as required by Texas Rule of Appellate Procedure 52.3(h). TEX. R. APP. P. 52.3(h). Nor has he provided (1) an appendix that includes a certified or sworn copy of any order complained of, or any other document showing the matter complained of, or (2) a record that includes a certified or sworn copy of every document that is material to his claim for relief and that was filed in any underlying proceeding. TEX. R. APP. P. 52.3(k)(1)(A), 52.7(a)(1). Accordingly, we are unable to determine from the materials filed in this proceeding that Relator is entitled to a writ of prohibition. *See In re Kennedy*, No. 12-12-

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<sup>1</sup> Relator has filed numerous petitions for writ of mandamus, in which he raises this same complaint. He continues to file original proceedings despite our prior rulings. *See In re Kennedy*, 12-17-00177-CR, 2017 WL 2464692 (Tex. App.—Tyler June 7, 2017, orig. proceeding); *In re Kennedy*, 12-17-00162-CR, 2017 WL 2351354 (Tex. App.—Tyler May 31, 2017, orig. proceeding); *In re Kennedy*, 12-17-00123-CR, 2017 WL 1534040 (Tex. App.—Tyler April 28, 2017, orig. proceeding); *In re Kennedy*, 12-17-00035-CR, 2017 WL 361195 (Tex. App.—Tyler Jan. 25, 2017, orig. proceeding).

00064-CR, 2012 WL 1884327 (Tex. App.—Tyler May 23, 2012, orig. proceeding). We *deny* the petition for writ of prohibition.<sup>2</sup>

Opinion delivered July 12, 2017.

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

(DO NOT PUBLISH)

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<sup>2</sup> On February 15, 2017, the Texas Court of Criminal Appeals issued an abuse of writ order against Relator, in which it found that he (1) filed seven applications regarding his conviction, (2) “continues to raise issues that have been presented and rejected in previous applications or that should have been presented in previous applications[,]” and (3) “[b]ecause of his repetitive claims, ... Applicant’s claims are barred from review under Article 11.07, § 4, and are waived and abandoned by his abuse of the writ.” *Ex Parte Kennedy*, No. WR-75,385-24 (Tex. Crim. App. Feb. 15, 2017). Relator has continued, unsuccessfully, to seek relief in the court of criminal appeals. *See Ex Parte Kennedy*, No. WR-75,385-26 (Tex. Crim. App. April 12, 2017) (denying motion for leave to file application for writ of habeas corpus); *see also Ex Parte Kennedy*, No. WR-75,385-31 (Tex. Crim. App. June 16, 2017) (dismissing application for writ of habeas corpus).



**COURT OF APPEALS**  
**TWELFTH COURT OF APPEALS DISTRICT OF TEXAS**  
**JUDGMENT**

**JULY 12, 2017**

**NO. 12-17-00167-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 prohibition filed by Michael A. Kennedy. Said petition for writ of prohibition having been filed herein on May 26, 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 prohibition be, and the same is, hereby **denied**.

*By per curiam opinion.*

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