NO. 12-17-00227-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

EX PARTE:	***§***	
MICHAEL SAMPSON,	***§***	***ORIGINAL PROCEEDING***
RELATOR	***§***	

MEMORANDUM OPINION
PER CURIAM

Relator, Michael Sampson, has filed an application for writ of habeas corpus on grounds that he is unlawfully incarcerated. He appears to contend that he has been falsely arrested and imprisoned. He indicates that his criminal case is currently pending in Gregg County, Texas. According to the application, Relator has also filed a "petition for emergency injunction [and] judicial review" in federal court.

The Texas Government Code provides as follows:

> Concurrently with the supreme court, the court of appeals of a court of appeals district in which a person is restrained in his liberty, or a justice of the court of appeals, may issue a writ of habeas corpus when it appears that the restraint of liberty is by virtue of an order, process, or commitment issued by a court or judge because of the violation of an order, judgment, or decree previously made, rendered, or entered by the court or judge in a civil case.

TEX. GOV'T CODE ANN. § 22.221(d) (West 2004). Thus, the original jurisdiction of courts of appeals to issue a writ of habeas corpus is limited to those cases in which a person's liberty is restrained because the person has violated an order, judgment, or decree entered in a civil case. ***Id***. Consequently, courts of appeals do not have original habeas corpus jurisdiction in criminal law matters. ***In re Ayers***, 515 S.W.3d 356 (Tex. App.—Houston [14th Dist.] 2016, orig. proceeding). Because Relator seeks habeas relief in a criminal proceeding, we are without jurisdiction to consider his application. Accordingly, we ***dismiss*** his application for ***want of***

jurisdiction. *See* ***In re Baugh***, No. 12-09-00122-CR, 2009 WL 1687630 (Tex. App.—Tyler June 17, 2009, orig. proceeding) (mem. op., not designated for publication).

Opinion delivered July 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(DO NOT PUBLISH)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

JULY 31, 2017

NO. 12-17-00227-CR

MICHAEL SAMPSON,
Relator
V.

HON. DAVID SCOTT BRABHAM,
Respondent

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the application for writ of habeas corpus filed by Michael Sampson; who is the relator in Cause No. 46,066A, pending on the docket of the 188th Judicial District Court of Gregg County, Texas. Said application for writ of habeas corpus having been filed herein on July 21, 2017, and the same having been duly considered, because it is the opinion of this Court that it lacks jurisdiction, it is therefore CONSIDERED, ADJUDGED and ORDERED that the said application for writ of habeas corpus be, and the same is, hereby **dismissed for want of jurisdiction**.

By *per curiam* opinion.
Panel consisted of Worthen, C.J., Hoyle, J. and Neeley, J.