IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-90,207-01

IN RE MARCUS DEWAYNE KELLER, Relator

ON APPLICATION FOR A WRIT OF MANDAMUS
CAUSE NO. 18-03-00051-CRK IN THE 81st/218th DISTRICT COURT
FROM KARNES COUNTY

***Per curiam*.**

O R D E R

Relator has filed a motion for leave to file a writ of mandamus pursuant to the original jurisdiction of this Court. In it, he contends that he filed an application for a writ of habeas corpus in the 81st/218th District Court of Karnes County, that more than 35 days have elapsed, and that the application has not yet been forwarded to this Court.

In these circumstances, additional facts are needed. Respondent, the District Clerk of Karnes County, is ordered to file a response, which may be made by submitting the record on such habeas corpus application, submitting a copy of a timely filed order which designates issues to be investigated (*see McCree v. Hampton*, 824 S.W.2d 578, 579 (Tex. Crim. App. 1992)), or stating that

Relator has not filed an application for a writ of habeas corpus in Karnes County. Should the response include an order designating issues, proof of the date the district attorney's office was served with the habeas application and that the 180-day time frame set out in TEX. R. APP. P. 73.4(b)(5) has not expired shall also be submitted with the response. This application for leave to file a writ of mandamus shall be held in abeyance until Respondent has submitted the appropriate response. Such response shall be submitted within 30 days of the date of this order.

Filed: August 21, 2019
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