Opinion issued August 6, 2020

In The

Court of Appeals

For The

First District of Texas

NO. 01-20-00331-CR

IN RE DAVID JAMES, Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

Relator David James has filed a petition for writ of mandamus challenging the denial of his motion to recuse the trial judge.[1] In particular, relator complains that his motion was denied without a hearing by the judge assigned to hear the recusal motion.

[1] The underlying case is *The State of Texas v. David James*, cause number 21,928, pending in the 12th District Court of Walker County, Texas, the Honorable Olen Underwood presiding.

This Court's jurisdiction to issue mandamus relief is governed by Government Code Section 22.221, which provides that we may issue mandamus relief to enforce our jurisdiction or against the judge of a district, statutory county, statutory probate county, or county court in the court of appeals district. *See* TEX. GOV'T CODE § 22.221(a), (b).

Walker County is no longer in the First Court of Appeals District but is instead in the Tenth Court of Appeals District. *See In re McGee*, 213 S.W.3d 405, 406 (Tex. App.—Houston [1st Dist.] 2006, orig. proceeding); TEX. GOV'T CODE §§ 22.201(b), 22.211. The recusal motion was filed in the 12th District Court in Walker County and the trial judge refused to recuse himself and referred the motion to the Presiding Judge of the Second Administrative District. To the extent relator seeks relief against the trial judge, we lack jurisdiction to issue any writs against a judge presiding in Walker County.

Moreover, the recusal motion was referred to the Honorable Olen Underwood, Presiding Judge of the Second Administrative Judicial Region, who denied it by order signed December 31, 2019. This Court lacks jurisdiction over Judge Underwood because he is not a judge of a district or county court in this Court's district. *See* TEX. GOV'T CODE § 22.221(b). And this is not a mandamus sought to enforce our jurisdiction. *See id.* at § 22.221(a). Accordingly, this Court lacks jurisdiction to consider relator's petition.

We dismiss the petition for lack of jurisdiction. Any pending motions are also dismissed.

PER CURIAM

Panel consists of Justices Keyes, Kelly and Landau.

Do not publish. TEX. R. APP. P. 47.2(b).