



Nerio v. Hidalgo County District Clerk

2006 | Cited 0 times | Court of Criminal Appeals of Texas | September 27, 2006

ORDER

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 389th Judicial District Court of Hidalgo 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. The respondent, the District Clerk of Hidalgo 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 (Tex. Crim. App. 1992); by stating that the nature of the claims asserted in the application filed by Relator is such that the claims are not cognizable under Tex. Code Crim. Proc. art. 11.07, § 3; or stating that Relator has not filed an application for habeas corpus in Hidalgo County. This application for leave to file a writ of mandamus shall be held in abeyance until the respondent has submitted the appropriate response. Such response shall be submitted within 30 days of the date of this order.

Do not publish

