

COURT OF APPEALS FOR THE SECOND APPELLATE DISTRICT OF TEXAS
AT FORT WORTH

Ex parte Rajat Kumar v. the State of Texas

No. 02-26-00091-CR · No. No. 02-26-00091-CR · Decided June 4, 2026

SUMMARY

The Texas Second Court of Appeals dismissed the appeal for lack of jurisdiction because the trial court had not signed a written order on the appellant’s habeas application. The court held that a certificate of proceedings was not an appealable order and that the appellant failed to respond to the court’s jurisdictional concerns.

CASE DETAILS

COURT	Court of Appeals for the Second Appellate District of Texas at Fort Worth
WRITING FOR THE COURT	Wallach, J.; Sudderth, C.J.; Walker, J.
JURISDICTION	Texas Court of Appeals, Second Appellate District, Fort Worth
DECIDED	June 4, 2026
DOCKET	No. 02-26-00091-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from the denial or disposition of an application for habeas relief in which the trial court had not signed a written order.
STANDARD OF REVIEW	The court independently determined whether it had appellate jurisdiction.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion; designated Do Not Publish.
PARTIES	Rajat Kumar v. the State of Texas

TOPICS

- appellate jurisdiction
- habeas corpus
- appellate procedure
- post-conviction relief

PRACTICE AREAS

- criminal procedure
- habeas corpus
- appellate jurisdiction

QUESTIONS PRESENTED

1. Whether the court of appeals had jurisdiction over an appeal from a habeas proceeding when the trial court had not signed a written order.
2. Whether a certificate of proceedings could be treated as an appealable order.

HOLDINGS

1. The court of appeals lacked jurisdiction because the trial court had not signed an appealable written order on the habeas application.
2. A certificate of proceedings is not an appealable order and cannot supply appellate jurisdiction.

KEY QUOTATIONS

“Because Appellant has not filed a response showing that the trial court has signed an appealable written order or otherwise showing grounds for continuing the appeal, we dismiss this appeal for lack of jurisdiction.” (at 2)

FACTUAL BACKGROUND

Rajat Kumar sought habeas relief in the trial court. The trial court had not signed a written order on the application. In response to the appellate court's jurisdictional notice, Kumar submitted a certificate of proceedings but did not establish that an appealable written order existed.

PROCEDURAL HISTORY

The appeal arose from an application for habeas relief in Tarrant County Criminal District Court No. 4. The court of appeals notified Appellant that it appeared to lack jurisdiction because no written order had been signed by the trial court. Appellant submitted a certificate of proceedings, but did not respond to the court's continued jurisdictional concern or show that an appealable written order existed. The court dismissed the appeal for lack of jurisdiction.

DISPOSITION

dismissed

CASES CITED

- State v. Wachtendorf, 475 S.W.3d 895, 904 (Tex. Crim. App. 2015)
- Ex parte Wiley, 949 S.W.2d 3, 4 (Tex. App.—Fort Worth Dec. 5, 1996, no pet.)
- Ex parte Salim, Nos. 02-19-00009-CR, 02-19-00010-CR, 2019 WL 490516, at *1 (Tex. App.—Fort Worth Feb. 7, 2019, no pet.) (mem. op., not designated for publication)
- Shields v. State, Nos. 02-21-00022-CR, 02-21-00023-CR, 02-21-00024-CR, 02-21-00025-CR, 02-21-00026-CR, 02-21-00027-CR, 02-21-00043-CR, 2021 WL 2460858, at *1 (Tex. App.—Fort Worth June 17, 2021, no pet.) (mem. op., not designated for publication)

OPINION

PER CURIAM.

In the Court of Appeals Second Appellate District of Texas at Fort Worth
_____ No. 02-26-00091-CR _____ EX
PARTE RAJAT KUMAR On Appeal from Criminal District Court No. 4 Tarrant County, Texas
Trial Court No. 1908320 Before Wallach, J.; Sudderth, C.J.; and Walker, J. Per Curiam
Memorandum Opinion MEMORANDUM OPINION On March 19, 2026, we notified Appellant
of our concern that we lacked jurisdiction over this appeal because the trial court had not signed
any written order on his application for habeas relief.

See *State v. Wachtendorf*, 475 S.W.3d 895, 904 (Tex. Crim. App. 2015); *Ex parte Wiley*, 949 S.W.2d 3, 4 (Tex. App.—Fort Worth Dec. 5, 1996, no pet.); see also *Ex parte Salim*, Nos. 02-19-00009-CR, 02-19-00010-CR, 2019 WL 490516, at *1 (Tex. App.—Fort Worth Feb. 7, 2019, no pet.) (mem. op., not designated for publication).

We notified him that unless he or another party filed a response showing grounds for continuing the appeal, we could dismiss it for want of jurisdiction. In response, Appellant submitted a certificate of proceedings from the trial court.

However, “this court has previously rejected urgings to treat certificates of proceedings as appealable orders.” *Shields v. State*, Nos. 02-21-00022-CR, 02-21-00023-CR, 02-21-00024-CR, 02-21-00025-CR, 02-21-00026-CR, 02-21-00027-CR, 02-21-00043-CR, 2021 WL 2460858, at *1 (Tex. App.—Fort Worth June 17, 2021, no pet.) (mem. op., not designated for publication) (citing cases).

We notified Appellant that we remained concerned that this court lacked jurisdiction over his appeal, and we cautioned him that we could dismiss the appeal unless he or another party filed a response by April 17, 2026, showing grounds to continue the appeal.

We have not received a response. 2 Because Appellant has not filed a response showing that the trial court has signed an appealable written order or otherwise showing grounds for continuing the appeal, we dismiss this appeal for lack of jurisdiction. See *Shields*, 2021 WL 2460858, at *1; *Wiley*, 949 S.W.2d at 4. Per Curiam Do Not Publish Tex. R. App. P. 47.2(b) Delivered: June 4, 2026 3