



COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
EL PASO, TEXAS

DANIEL ARMENDARIZ, OLIVIA	§	No. 08-13-00206-CV
ROMAN, CONRADO SOLTERO,	§	
MIRIAM MALDANADO AND	§	Appeal from the
LESLIE COTTER,	§	41st District Court
Appellants,	§	
V.	§	of El Paso County, Texas
CHERYLL FELDER,	§	(TC# 2012-DCV-05828)
Appellee.	§	

**MEMORANDUM OPINION**

This appeal is before the Court on its own motion to determine whether the appeal should be dismissed for want of prosecution. Finding that Appellants have not filed a brief or a motion for extension of time to file their brief, we dismiss the appeal.

This Court possesses the authority to dismiss an appeal for want of prosecution when the appellant has failed to file his brief in the time prescribed, and gives no reasonable explanation for such failure. TEX.R.APP.P. 38.8(a)(1); *Elizondo v. City of San Antonio*, 975 S.W.2d 61, 63 (Tex.App.--San Antonio 1998, no pet.). Appellants' brief was due to be filed on October 27, 2013. After being notified that the brief was past due, Appellants filed a defective motion for extension of time to file the brief on December 20, 2013. The Clerk of the Court notified Appellants that the motion was defective and provided an opportunity for them to file an amended motion, but Appellants failed to do so. On January 22, 2014, the Court entered an

order denying the motion because it did not comply with TEX.R.APP.P. 9.5 and 10.5(b)(1). On that same date, the Clerk notified Appellants that their brief was past due. The Clerk also informed the parties of the Court's intent to dismiss the appeal for want of prosecution unless, within ten days of the notice, a party responded showing grounds to continue the appeal. Appellants have failed to file a proper motion for extension of time, their brief, or any response to the Clerk's inquiry. Accordingly, we dismiss the appeal for want of prosecution. TEX.R.APP.P. 38.8(a)(1), 42.3(b).

February 19, 2014

YVONNE T. RODRIGUEZ, Justice

Before McClure, C.J., Rivera, and Rodriguez, JJ.