



NUMBER 13-20-00373-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

IN THE INTEREST OF J.D., A CHILD.

**On appeal from the 319th District Court
of Nueces County, Texas.**

MEMORANDUM OPINION

**Before Justices Benavides, Hinojosa, and Tijerina
Memorandum Opinion by Justice Hinojosa**

Appellant Maricruz Delagarza filed a notice of appeal from a judgment signed on July 31, 2020 in trial court cause number 01-00872-G in the 319th District Court of Nueces County, Texas. The clerk's record was filed on September 29, 2020, and the reporter's record was filed on October 6, 2020. This Court granted appellant an extension of time to file her brief until December 23, 2020. However, the appellant did not timely file her brief. On January 27, 2021, the Clerk of this Court notified appellant that her brief had not been

timely filed. The Clerk advised appellant that the appeal was subject to dismissal for want of prosecution unless, within ten days from the date of this letter, appellant reasonably explained the failure and the appellee was not significantly injured by the appellant's failure to timely file a brief. See TEX. R. APP. P. 38.8(a). Appellant did not respond to the Clerk's notice or file a brief in this matter.

Appellate courts possess the authority to dismiss an appeal for want of prosecution when an appellant in a civil case fails to timely file its brief and gives no reasonable explanation for the failure. See *id.* R. 38.8(a)(1); *id.* R. 42.3(b); *Am. Bail Bonds v. City of El Paso*, 225 S.W.3d 612, 612 (Tex. App.—El Paso 2006, no pet.); *Newman v. Clark*, 113 S.W.3d 622, 623 (Tex. App.—Dallas 2003, no pet.) (per curiam). Similarly, courts may dismiss an appeal for want of prosecution generally or because the appellant has failed to comply with a requirement of the appellate rules, a court order, or a notice from the clerk requiring a response or other action within a specified time. See TEX. R. APP. P. 42.3 (b), (c).

The Court, having examined and fully considered the documents on file and appellant's failure to file a brief, is of the opinion that this appeal should be dismissed. Accordingly, we dismiss the appeal for want of prosecution. See *id.* R. 38.8(a), 42.3(b), (c).

LETICIA HINOJOSA
Justice

Delivered and filed on the
15th day of April, 2021.