



NUMBER 13-21-00107-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

**IN THE MATTER OF THE MARRIAGE OF
ANGELICA MARIA HINOJOSA AND JEREMY MATTHEW HINOJOSA
AND IN THE INTEREST OF M.A.H., A CHILD**

**On appeal from the 94th District Court
of Nueces County, Texas.**

MEMORANDUM OPINION

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

Appellant Jeremy Matthew Hinojosa, proceeding pro se, attempted to perfect an appeal from trial court cause number 2020-FAM-0508-C in the 94th District Court of Nueces County, Texas. On April 22, 2021, the Clerk of this Court notified appellant that his notice of appeal was defective because it failed to comply with Texas Rules of Appellate Procedure 9.5(d),(e), 25.1(d)(1),(2),(4), and 25.1(e). See TEX. R. APP. P. 9.5(d),(e), 25.1(d)(1),(2),(4), 25.1(e). The Clerk directed appellant to correct his notice of

appeal within thirty days and advised appellant that the matter would be referred to the Court if appellant failed to comply. See *id.* R. 37.1. The Clerk also directed appellant to pay the filing fee for the appeal within ten days.

On June 2, 2021, the Clerk advised appellant that he was delinquent in remitting the filing fee and notified him that the appeal would be dismissed if the fee was not paid within ten days. See *id.* R. 42.3(c). That same day, the Clerk also advised appellant that the defects in his notice of appeal had not been corrected and informed him that the appeal would be dismissed if the defects were not cured within ten days. To date, appellant has not corrected the defects in his notice of appeal, paid the filing fee for the appeal, or otherwise responded to the Clerk's directives.

We are to construe the Texas Rules of Appellate Procedure reasonably, yet liberally, so that the right to appeal is not lost by imposing requirements not absolutely necessary to effectuate the purpose of a rule. *Republic Underwriters Ins. Co. v. Mex-Tex, Inc.*, 150 S.W.3d 423, 427 (Tex. 2004); *Verburgt v. Dorner*, 959 S.W.2d 615, 616–17 (Tex. 1997); *Jardon v. Pfister*, 593 S.W.3d 810, 820 (Tex. App.—El Paso 2019, no pet.). Nevertheless, this Court has the authority to dismiss an appeal for “want of prosecution” 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.” TEX. R. APP. P. 42.3(b),(c); see *Smith v. DC Civil Constr., LLC*, 521 S.W.3d 75, 76 (Tex. App.—San Antonio 2017, no pet.).

The Court, having examined and fully considered the documents on file and the applicable law, is of the opinion that this appeal should be dismissed. Accordingly, we

dismiss the appeal. See TEX. R. APP. P. 42.3(b),(c); *Smith*, 521 S.W.3d at 76.

JAIME TIJERINA
Justice

Delivered and filed on the
22nd day of July, 2021.