



**NUMBER 13-21-00238-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI – EDINBURG**

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**THOMAS EDWARD LOWE,**

**Appellant,**

**v.**

**TERESA P. CONVILLE,**

**Appellee.**

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**On appeal from the 347th District Court  
of Nueces County, Texas.**

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**MEMORANDUM OPINION**

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

On August 2, 2021, Thomas Edward Lowe, proceeding pro se, filed a notice of appeal regarding a protective order issued in favor of appellee Teresa P. Conville.

On August 4, 2021, the Clerk of this Court advised appellant that his notice of appeal failed to comply with Texas Rules of Appellate Procedure 25.1(d)(2),(3),(4),(5),(8) and 9.5(3), and requested him to correct the defects. See TEX. R. APP. P. 9.5 (specifying

the requirements for service of all documents filed in the appellate court); *id.* R. 25.1(d)(2) (requiring the notice of appeal to state the date of the judgment or order appealed from); *id.* R. 25.1(d)(3) (requiring the notice of appeal to state that the party desires to appeal); *id.* R. 25.1(d)(4) (requiring the notice of appeal to state the court to which the appeal is taken); *id.* R. 25.1(d)(5) (requiring the notice of appeal to state the name of each party filing the notice); ); *id.* R. 25.1(d)(8) (requiring the notice of appeal to state, if applicable, that appellant is presumed indigent and may proceed without paying costs). 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 August 23, 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).

On September 21, 2021, the Clerk again advised appellant that his notice of appeal failed to comply with the appellate rules and informed him that the appeal would be dismissed if the defects were not cured within ten days. *See id.*

Appellant did not respond to the Clerk's notices, correct the defects in his notice of appeal, or pay the filing fee for the appeal.

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, 616–617

(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 jurisdiction,” “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(a),(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 this appeal. See TEX. R. APP. P. 42.3(b),(c).

GINA M. BENAVIDES  
Justice

Delivered and filed on the  
9th day of December, 2021.