



NUMBER 13-23-00172-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

RICHARD SMITH,

Appellant,

v.

CORPUS RIVERSQUARE I LP,

Appellee.

**On appeal from the County Court at Law No. 5
of Nueces County, Texas.**

MEMORANDUM OPINION

**Before Justices Tijerina, Silva, and Peña
Memorandum Opinion by Justice Tijerina**

Appellant filed a notice of appeal on May 3, 2023. On May 12, 2023, the Clerk of the Court notified appellant that the notice of appeal was defective and did not comply with Texas Rules of Appellate Procedure 9.1(b), 9.5(e), 25.1(d), and 25.1(e) and that a \$205.00 filing fee was due. See TEX. R. APP. P. 9.5, 25.1

On June 9, 2023, the Clerk of this Court again notified appellant that the appeal was subject to dismissal if a filing fee was not paid within ten days from the date of the notice. See TEX. R. APP. P. 42.3(b), (c). On July 28, 2023, the Clerk of this Court again notified appellant of the defects in his notice of appeal; the Clerk of the Court notified appellant that the appeal was subject to dismissal if the defects were not corrected, or the filing fee was not paid within ten days from the date of receipt of the letter. See TEX. R. APP. P. 42.3(b), (c).

On August 7, 2023, each of the clerk's notices were returned undeliverable and marked "return to sender" and "not deliverable as addressed" and "unable to forward."

Texas Rule of Appellate Procedure 9.1(b) requires unrepresented parties to sign any document filed and "give the party's mailing address, telephone number, fax number, if any, and email address." See TEX. R. APP. P. 9.1(b). The clerk's office does not have a telephone number for appellant, and the district clerk did not have any additional contact information for the appellant.

Furthermore, Texas Rule of Appellate Procedure 42.3 permits an appellate court, on its own initiative after giving ten days' notice to all parties, to dismiss the appeal for want of prosecution or for failure to comply with a requirement of the appellate rules. See *id.* 42.3(b), (c). Accordingly, we dismiss the appeal for want of prosecution. See TEX. R. APP. P. 42.3.

JAIME TIJERINA
Justice

Delivered and filed on the
24th day of August, 2023.