



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

JOSE L. SILVA-SMITH AND JONATHAN	§	No. 08-22-00088-CV
G. SILVA-SMITH,		
	§	Appeal from the
Appellants,		
	§	205th Judicial District Court
v.		
	§	of El Paso County, Texas
DARLENE E. SMITH,		
	§	(TC# 2019-DCV-4636)
Appellee.		

MEMORANDUM OPINION

This appeal is before the Court on its own motion to determine whether it should be dismissed for want of prosecution. *See* TEX. R. APP. P. 42.3. Finding that Appellants, Jose L. Silva-Smith and Jonathan G. Silva-Smith, have not filed an Appellants' Brief, we dismiss this appeal for want of prosecution.

On July 27, 2022, by written order, this Court granted appellate counsel's motion to withdraw as counsel of record for Appellants. In the same order, this Court extended the briefing period and notified Appellants that their brief was due on August 29, 2022. On September 7, 2022, when the time for filing the Appellants' Brief had passed, the Clerk of this Court sent Appellants a letter indicating the Court would submit this case for dismissal within ten days for want of prosecution unless any party could show grounds for continuing the appeal. Thereafter, Appellants

filed, and this Court granted, a motion for extension of time to file the Appellants' Brief, explaining they needed additional time to obtain new counsel. This Court ordered the Appellants' Brief be filed by September 28, 2022.

On October 6, 2022, when Appellants again failed to file a brief or extension motion by the extended briefing deadline, the Clerk of this Court sent Appellants a second letter notifying them the Court would submit this case for dismissal within ten days unless any party could show grounds for continuing the appeal. This Court received no response until October 21, 2022, when Appellants filed another motion for extension of time to file their brief, again citing the need for additional time to obtain new counsel. This Court granted the motion and notified Appellants their brief was due on November 28, 2022.

As of this date, Appellants have not filed an Appellants' Brief or a motion for extension of time to file a brief. Pursuant to Rule 42.3(b) and (c), we dismiss this appeal for want of prosecution. *See* TEX. R. APP. P. 42.3(b), (c).

GINA M. PALAFOX, Justice

December 8, 2022

Before Rodriguez, C.J., Palafox, and Alley, JJ.