

**DISMISS; Opinion Filed September 11, 2014.**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

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**No. 05-14-00267-CV**

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**ROBERT WYATT, Appellant**

**V.**

**IRVING INDEPENDENT SCHOOL DISTRICT, Appellee**

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**On Appeal from the 44th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DC-13-11959**

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**MEMORANDUM OPINION**

Before Justices Bridges, Lang, and Evans  
Opinion by Justice Evans

This is an appeal from an order granting Irving Independent School District’s plea to the jurisdiction. On July 8, 2014, attorney James L. Schutza, acting as a Friend of the Court, filed a “suggestion of Death,” advising that appellant, who represented himself, had passed away. Although a civil appeal may proceed upon the death of the appellant, someone must appear on his behalf. *See* TEX. R. APP. P. 7.1(a)(1); *Casillas v. Cano*, 79 S.W.3d 587, 590 (Tex. App.—Corpus Christi 2002, order, no pet.). That person may include the executor or administrator of appellant’s estate, an attorney with authority to proceed, or an heir where no administration of appellant’s estate is planned or pending, no personal representative has been appointed to the estate, and no administration of the estate in probate court is necessary or desired by those interested in the estate. *See* TEX. R. CIV. P. 151; *Casillas*, 79 S.W.3d at 590-91.

On July 14, 2014, we ordered that any appearance on appellant's behalf be filed by August 13, 2014. We cautioned that the appeal may be dismissed without further notice if no such appearance was made by August 13th, and we sent a copy of our order to appellant's address, Schutza, and counsel for appellees. To date, no appearance has been entered. Accordingly, we dismiss the appeal. *See* TEX. R. APP. P. 42.3(b),(c).

/David Evans/  
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DAVID EVANS  
JUSTICE

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**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

ROBERT WYATT, Appellant

No. 05-14-00267-CV      V.

IRVING INDEPENDENT SCHOOL  
DISTRICT, Appellee

On Appeal from the 44th Judicial District  
Court, Dallas County, Texas

Trial Court Cause No. DC-13-11959.

Opinion delivered by Justice Evans. Justices  
Bridges and Lang participating.

In accordance with this Court's opinion of this date, we **DISMISS** the appeal.

We **ORDER** that each party bear its own costs of appeal.

Judgment entered this 11th day of September, 2014.