

**DISMISS and Opinion Filed October 31, 2022**



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

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**No. 05-22-00503-CV**

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**KATHERINE SMITH, Appellant**

**V.**

**BARBARA ROBINSON, Appellee**

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**On Appeal from the County Court at Law No. 5  
Dallas County, Texas  
Trial Court Cause No. CC-22-01767-E**

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**MEMORANDUM OPINION**

Before Chief Justice Burns, Justice Molberg, and Justice Goldstein  
Opinion by Chief Justice Burns

Appellee has filed a motion to dismiss this appeal based on appellant's failure to file her brief. *See* TEX. R. APP. P. 42.3(b),(c); *see also id.* 38.8(a). We note the brief was first due September 9, 2022. When appellant had failed to file the brief by September 29, 2022, we ordered her to file the brief by October 10, 2022, and cautioned her that failure to do so would result in dismissal of the appeal. *See id.* 38.8(a)(1), 42.3(b),(c). To date, appellant has not complied or otherwise communicated with the Court.

Accordingly, we grant the motion and dismiss the appeal.

/Robert D. Burns, III/  
ROBERT D. BURNS, III  
CHIEF JUSTICE

220503F.P05



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

**JUDGMENT**

KATHERINE SMITH, Appellant

No. 05-22-00503-CV      V.

BARBARA ROBINSON, Appellee

On Appeal from the County Court at  
Law No. 5, Dallas County, Texas  
Trial Court Cause No. CC-22-01767-  
E.

Opinion delivered by Chief Justice  
Burns, Justices Molberg and  
Goldstein participating.

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

Judgment entered October 31, 2022.