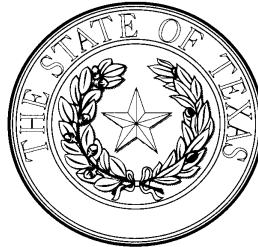


Opinion issued August 6, 2020



In The
Court of Appeals
For The
First District of Texas

NO. 01-19-00968-CV

**JONATHAN BERYL HARRIS; THE LAW OFFICES OF J.B. HARRIS,
P.A.; AND J.B. HARRIS, P.A., Appellants**

V.

**PHILLIP T. HOWARD AND HOWARD & ASSOCIATES, ATTORNEYS
AT LAW, P.A., Appellees**

**On Appeal from the 127th District Court
Harris County, Texas
Trial Court Case No. 2019-22971**

MEMORANDUM OPINION

Appellees, Phillip T. Howard and Howard & Associates, Attorneys at Law, P.A., have filed a motion to dismiss this appeal. We grant the motion.

Appellants' brief in this accelerated appeal from a temporary injunction order was due on January 21, 2020. *See* TEX. R. APP. P. 38.6 (requiring appellants' brief in accelerated appeal to be filed 20 days after filing of clerk's or reporter's record, whichever was filed later). On January 24, 2020, after Appellants failed to file their brief, this Court notified appellants that the time to file their brief had expired and that their appeal was subject to dismissal unless they filed a motion for an extension of time within 10 days. *See* TEX. R. APP. P. 38.8(a) (authorizing dismissing appeal for want of prosecution if appellant fails to timely file brief). Appellants failed to respond. Appellants later filed an untimely brief on April 20, 2020, three months after the January 21, 2020 deadline. Appellants' brief was neither accompanied by a motion to extend time nor does the brief provide any explanation for Appellants' untimely filing the brief three months after the deadline.

On May 1, 2020, Appellees filed their motion to dismiss this appeal because (1) Appellants' brief filed on April 20, 2020 was untimely and (2) Appellants failed to respond to this Court's January 24, 2020 notice requesting that Appellants file an extension motion. *See id.*; TEX. R. APP. P. 42.3(a) (authorizing dismissal for want of prosecution); TEX. R. APP. P. 42.3(b) (authorizing dismissal because "appellant has failed to comply with a requirement of these rules, a court order, or a notice from the clerk requiring a response or other action within a specified time."). On May 5, 2020,

this Court issued an order requesting that Appellants file a response to the motion to dismiss by no later than May 12, 2020. Appellants again failed to file a response.

On July 1, 2020, Appellees filed a supplemental motion to dismiss the appeal, further noting Appellants' failure to file the response requested by this Court on May 5, 2020. More than 10 days have passed since the filing of the supplemental motion to dismiss and Appellants have not responded. *See* TEX. R. APP. P. 10.3(a).

Appellees' motion to dismiss demonstrates that Appellants have failed to provide any explanation for their untimely brief and have failed to respond to notices and orders from this Court. Accordingly, we grant Appellees' motion and dismiss the appeal. *See* TEX. R. APP. P. 38.8, 42.3.

PER CURIAM

Panel consists of Justices Keyes, Kelly, and Landau.