

Opinion issued July 13, 2021



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-20-00767-CV

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**NASSER CHEHAB, Appellant**

**V.**

**BBVA USA, Appellee**

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**On Appeal from the 189th District Court  
Harris County, Texas  
Trial Court Case No. 2020-49180**

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**MEMORANDUM OPINION**

On November 5, 2020, appellant, Nasser Chehab, filed a notice of appeal from three trial court orders, including: (1) an October 7, 2020 order denying Chehab’s “Motion to Show Authority”; (2) an October 7, 2020 order of “[R]ealignment of the [P]arties and [M]odification of the [S]tyle” of the trial court case; and (3) an October

15, 2020 “Final Summary Judgment” granting motion to dismiss pursuant to Texas Rule of Civil Procedure 91a or, in the alternative, motion for summary judgment of appellee, BBVA USA.

Chehab has neither paid the required fees nor established indigence for purposes of appellate costs. *See* TEX. R. CIV. P. 145; TEX. R. APP. P. 5, 20.1; *see also* TEX. GOV’T CODE ANN. §§ 51.207, 51.851(b), 101.041; Order Regarding Fees Charged in the Supreme Court, in Civil Cases in the Courts of Appeals, and Before the Judicial Panel on Multi-District Litigation, Misc. Docket No. 15-9158. On December 1, 2020, the Clerk of this Court issued a notice to Chehab advising that this appeal was subject to dismissal if appellate costs were not paid, or indigence was not established, by December 31, 2020. *See* TEX. R. APP. P. 5, 42.3(b), (c). Chehab did not adequately responded to the notice.

Chehab has also failed to timely file a brief. *See* TEX. R. APP. P. 38.6(a) (governing time to file brief). The appellate record was due to be filed by December 14, 2020. *See* TEX. R. APP. P. 35.1. Neither the clerk’s record nor the reporter’s record was filed with this Court. Accordingly, on December 16, 2020, the Clerk of this Court issued a notice to the trial court clerk, requesting that the clerk’s record be filed within thirty days of the order. The clerk’s record was subsequently filed with the Court on January 26, 2021.

On January 22, 2021, the Clerk of this Court notified Chehab that the court reporter responsible for preparation of the reporter's record had not filed a reporter's record because Chehab had not requested preparation of a reporter's record and had not paid, or made arrangements to pay, the fee for preparation of the reporter's record. *See* TEX. R. APP. P. 37.3(c).

Despite the January 22, 2021 notice, Chehab failed to request the preparation of the reporter's record and further failed to pay, or make arrangements to pay the fee for the preparation of the reporter's record. Accordingly, on March 9, 2021, we issued an order for this appeal to proceed without a reporter's record. Pursuant to our March 9, 2021 order, Chehab's appellant's brief was due to be filed within thirty days of the order, on or before April 8, 2021. *See* TEX. R. APP. P. 38.6(a), (d). No brief was filed.

On April 21, 2021, Chehab was notified by the Clerk of this Court that this appeal was subject to dismissal unless a brief, or motion to extend time to file a brief, was filed within ten days of the notice. *See* TEX. R. APP. P. 38.8(a) (governing failure of appellant to file brief), 42.3(b) (allowing involuntary dismissal of appeal for want of prosecution), 42.3(c) (allowing involuntary dismissal of case for failure to comply with notice or order of this Court). Despite the notice that this appeal was subject to dismissal, Chehab did not adequately respond.

Accordingly, we dismiss this appeal for want of prosecution. *See* TEX. R. APP.

P. 42.3(b), (c), 43.2(f). All pending motions are dismissed as moot.

**PER CURIAM**

Panel consists of Justices Kelly, Hightower, and Guerra.