

Opinion issued August 4, 2022



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

NO. 01-21-00350-CV

**JAMES L. MENELEE, SR. AND SHIRLEY FLANAGAN-MENELEE A/K/A
SHIRLEY F. FLANAGON, Appellants**

V.

JULIO CESAR REYES MARTINEZ, Appellee

**On Appeal from the County Civil Court at Law No. 1
Harris County, Texas
Trial Court Case No. 1169910**

MEMORANDUM OPINION

Appellants, James L. Menefee, Sr. and Shirley Flanagan-Menefee, also known as Shirley F. Flanagan, have failed to timely file a brief. *See* TEX. R. APP. P. 38.6(a) (governing time to file brief). On June 28, 2021, appellants filed a notice of appeal from the trial court's June 24, 2021 Judgment and Order for Possession.

The appellate record was due to be filed by August 23, 2021. *See* TEX. R. APP. P. 35.1. The clerk's record was filed with the Clerk of this Court on June 30, 2021. On July 23, 2021, the court reporter notified the Court that there was no reporter's record for this case. Accordingly, appellants' brief was due to be filed on or before August 23, 2021. *See* TEX. R. APP. P. 38.6(a), (d). However, no brief was filed.

On August 31, 2021, appellants were notified by the 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 Court's 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 order of this Court). On September 10, 2021, appellants filed a motion requesting a thirty-day extension of the deadline for filing their brief. On September 13, 2021, the Court granted appellants' motion, extending the deadline to file their appellants' brief to October 22, 2021. No brief was filed by the extended deadline.

On October 25, 2021, appellants filed a second request for an extension of the deadline to file their appellants' brief. The Court granted the motion, extending the deadline for filing appellants' brief to November 12, 2021. However, no brief was filed by the extended deadline. Accordingly, on December 6, 2021, appellants were

notified that their appeal was subject to dismissal unless a brief was filed within ten days of the Court's notice. Despite the Court's notice that this appeal was subject to dismissal, appellants failed to file a brief or otherwise respond to the Court's December 6, 2021 notice.

On May 11, 20224, appellants were again notified by the Court that this appeal was subject to dismissal unless appellants filed a brief within ten days of the date of the notice. Appellants have not adequately responded.

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 Landau, Guerra, and Farris.