

Opinion issued June 2, 2022



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

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NO. 01-21-00550-CV

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**BELINDA CACERES, Appellant**  
V.  
**DONALDO CACERES, Appellee**

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**On Appeal from the 311th District Court**  
**Harris County, Texas**  
**Trial Court Case No. 2019-44792**

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**MEMORANDUM OPINION**

Appellant, Belinda Caceres, has failed to timely file a brief. *See* TEX. R. APP. P. 38.6(a) (governing time to file brief). On October 6, 2021, appellant timely filed a notice of appeal from the trial court's July 20, 2021 dismissal order.<sup>1</sup>

The appellate record was due to be filed by November 17, 2021. *See* TEX. R. APP. P. 35.1. The clerk's record was filed with the Clerk of this Court on November 12, 2021. On November 17, 2021, the court reporter notified the Court that there was no reporter's record for this case. Accordingly, appellant's brief was due to be filed on or before December 17, 2021. *See* TEX. R. APP. P. 38.6(a), (d). However, no brief was filed.

On December 21, 2021, the Clerk of the Court notified appellant 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 Clerk'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 notice from Clerk). Despite the Clerk's notice that this appeal was subject to dismissal, appellant failed to file a brief or otherwise respond to the December 21, 2021 notice.

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<sup>1</sup> After the trial court signed its dismissal order, appellant timely filed a motion to reinstate, thereby extending the deadline for filing a notice of appeal to ninety days. *See* TEX. R. APP. P. 26.1(a)(1).

On May 11, 2022, appellant was again notified by the Clerk of the Court that this appeal was subject to dismissal unless appellant filed a brief within ten days of the date of the Clerk's notice. Appellant has not adequately responded.

Accordingly, we dismiss this appeal for want of prosecution. *See* TEX. R. APP. P. 42.3(b), 43.2(f). All pending motions are dismissed as moot.

**PER CURIAM**

Panel consists of Justices Landau, Guerra, and Farris.