

Motion Granted; Appeal Dismissed and Memorandum Opinion filed June 7, 2012.



In The

Fourteenth Court of Appeals

NO. 14-11-00942-CV

WILLIAM J. HIBLER, Appellant

V.

ERIK GARZA, Appellee

**On Appeal from the 133rd District Court
Harris County, Texas
Trial Court Cause No. 2011-30808**

MEMORANDUM OPINION

This is an appeal from a judgment signed October 11, 2011. The clerk's record was filed January 23, 2012 and no reporter's record was taken.

On February 13, 2012, appellant filed a brief that was not in compliance with the Texas Rules of Appellate Procedure. The brief failed generally to comply with the rules. *See* Tex. R. App. P. 38.1(a), (b), (c), (d), (e), (f), (g), (h), (i), (j) and (k). Appellee filed a motion to strike. The motion was granted and appellant was ordered to file an amended brief.

On April 13, 2012, appellant filed another brief, nearly identical to the first, that also failed to comply with the Texas Rules of Appellate Procedure. Appellee filed another motion to strike. The motion was granted in part and appellant's brief was stricken.

When an appellant files another brief that does not comply with Rule 38, the Court may strike the brief, prohibit appellant from filing another, and proceed as if appellant had failed to file a brief. *See* Tex. R. App. P. 38.9(a). Pursuant to Texas Rule of Appellate Procedure 38.8(a), where an appellant has failed to file a brief, we may dismiss the appeal for want of prosecution.

Appellant was ordered to file a brief that complies with the Texas Rules of Appellate Procedure within ten (10) days or the appeal would be dismissed for want of prosecution. *See* Tex. R. App. P. 38.1(a), (b), (c), (d), (e), (f), (g), (h), (i), (j) and (k). On May 17, 2012, appellant filed a third brief. On May 22, 2012, appellee filed a third motion to strike.

Appellant's brief still fails to comply with the Texas Rules of Appellate Procedure. *See* Tex. R. App. P. 38.1(a), (b), (c), (d), (e), (f), (g), (h), (i), (j) and (k). Accordingly, the motion is granted and the appeal is ordered dismissed.

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Seymore and Brown.