

**Dismissed and Memorandum Opinion filed September 28, 2023.**



**In The**

**Fourteenth Court of Appeals**

---

**NO. 14-22-00779-CV**

---

**JESSICA L. ADEBAYO, Appellant**

**V.**

**ADEFISAYO ADEBAYO, Appellee**

---

**On Appeal from the 246th District Court  
Harris County, Texas  
Trial Court Cause No. 2021-67627**

---

**MEMORANDUM OPINION**

This is an appeal from a judgment signed on August 8, 2022. On August 10, 2023, we struck appellant's brief, informing her that the brief failed to comply with Rule 38.1 of the Texas Rules of Appellate Procedure because the brief did not contain a clear and concise argument for the contentions made with appropriate citations to authorities and to the record. *See* Tex. R. App. P. 38.1(i), 38.9. We ordered appellant to file a brief complying with Rule 38.1 within 30 days of our August 10, 2023 order and abated the appeal for a period of thirty days.

We informed appellant that if she filed another noncompliant brief, the appeal could be dismissed for want of prosecution. *See id.* 38.8(a)(1), 38.9(a); *Harkins v. Dever Nursing Home*, 999 S.W.2d 571, 572-73 (Tex. App.—Houston [14th Dist.] 1999, no pet.) (reasoning that the court could dismiss the appeal or affirm the trial court’s judgment without examining the record pursuant to Rule 38.8 since the appellant’s amended brief did not contain a single citation to the record; choosing to affirm without examining the record); *see also Rendleman v. Clarke*, 909 S.W.2d 56, 59 (Tex. App.—Houston [14th Dist.] 1995, writ dism’d) (error waived when appellant had ample notice of briefing defects and opportunity to rebrief).

Appellant did not file a brief. When an appellant fails to file a brief, we may dismiss her appeal for want of prosecution. *See* Tex. R. App. P. 38.8(a). After being notified that this appeal was subject to dismissal, appellant did not timely file a brief or respond. Accordingly, we reinstate the appeal on this court’s active docket and dismiss the appeal. *See id.* 42.3, 43.2(f).

/s/ Meagan Hassan  
Justice

Panel consists of Justices Jewell, Hassan, and Wilson.