



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-14-00028-CV

Carmelita **RILEY** and Anthony Pena,  
Appellants

v.

Lizette **TORRES**, Paula Pueblitz, San Juanita Valdez and Puig Management and Rentals, LLC,  
Appellees

From the 341st Judicial District Court, Webb County, Texas  
Trial Court No. 2012CVF001192-D3  
Honorable Rebecca Ramirez Palomo, Judge Presiding

PER CURIAM

Sitting: Karen Angelini, Justice  
Santee Bryan Marion, Justice  
Marialyn Barnard, Justice

Delivered and Filed: December 3, 2014

DISMISSED FOR WANT OF PROSECUTION

On March 5, 2014, this appeal was dismissed because appellants failed to pay the applicable filing fee. On March 21, 2014, appellants filed a motion to reinstate this appeal. We granted the motion, withdrew our opinion and judgment, and reinstated the appeal. Appellants then paid the applicable filing fee. On April 10, 2014, we issued an order explaining that the court reporter had filed a notification of late reporter's record, stating that appellants had failed to pay or make arrangements to pay the fee for preparing the reporter's record. We therefore ordered appellants to provide written proof to this court by April 21, 2014 that either (1) the reporter's fee

had been paid or arrangements had been made to pay the reporter's fee; or (2) they were entitled to appeal without paying the reporter's fee. We further explained that if appellants failed to respond within the time provided, appellants' brief would be due on or before May 21, 2014, and we would consider only those issues or points raised in appellants' brief that do not require a reporter's record for a decision. *See* TEX. R. APP. P. 37.3(c). Because appellants did not respond to our order, appellants' brief was due to be filed on May 12, 2014. No brief was filed. Therefore, on May 29, 2014, we ordered appellants to file on or before June 9, 2014, their appellants' brief and a written response reasonably explaining (1) their failure to timely file the brief and (2) why appellees are not significantly injured by their failure to timely file a brief. On June 9, 2014, appellants filed a motion for extension of time to file their brief, requesting a forty-five day extension. On June 18, 2014, we granted the motion and ordered appellants to file their brief on or before July 25, 2014. On July 25, 2014, appellants filed another motion for extension of time to file their brief. We granted the motion and ordered appellants' brief to be filed on or before September 8, 2014. However, we warned that no further extensions would be granted. On September 8, 2014, appellants filed yet again another motion for extension of time, stating that they were only requesting a three-day extension. We denied their motion for extension of time and ordered them to file, on or before October 13, 2014, their appellants' brief and a written response explaining their failure to timely file the brief and why appellees are not significantly injured by their failure to timely file a brief. We explained that if appellants failed to file a brief and the written response by the date ordered, we would dismiss the appeal for want of prosecution. *See* TEX. R. APP. P. 38.8(a); *see also* TEX. R. APP. P. 42.3(c) (allowing involuntary dismissal if appellant has failed to comply with a court order). We also explained that no motions for extension of time would be granted.

Appellants failed to file their brief or otherwise respond to our order. We therefore dismiss this appeal for want of prosecution.

PER CURIAM