



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-17-00140-CV

IN THE INTEREST OF A.H.R., et al., Children

From the 57th Judicial District Court, Bexar County, Texas
Trial Court No. 2007EM501149
The Honorable Eric Rodriguez, Judge Presiding

PER CURIAM

Sitting: Rebeca C. Martinez, Justice
Patricia O. Alvarez, Justice
Luz Elena D. Chapa, Justice

Delivered and Filed: November 22, 2017

DISMISSED FOR WANT OF PROSECUTION

On July 25, 2017, Appellant filed his brief. The brief did not comply with Rule 38.1 of the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 38.1. Specifically, the brief violated Texas Rule of Appellate Procedure 38.1 in that it did not contain:

- (1) a table of contents;
- (2) an index of authorities;
- (3) a statement of facts with record references;
- (4) argument with appropriate citation to authorities and the appellate record; or
- (5) a proper appendix.

See id. R. 38.1(b) (requiring table of contents), 38.1(c) (requiring index of authorities), 38.1(g) (requiring statement of facts with record reference), 38.1(i) (requiring argument with appropriate citation to authority and record), and 38.1(k) (requiring appendix with copy of judgment or other appealable order, any jury charge and verdict form, any findings of fact and conclusions of law,

and text of applicable rules, regulations, ordinances, statutes, constitutional provisions, or other law on which argument is based, or any contract or other document central to argument).

On August 4, 2017, we struck Appellant’s brief and ordered Appellant to file an amended brief by September 5, 2017. We warned Appellant that “the amended brief must correct the violations listed [in the August 4, 2017 order] and fully comply with the applicable rules.” *See, e.g., id.* R. 9.4, 9.5, 38.1. We also warned Appellant that if the amended brief did not comply with our August 4, 2017 order, we could “strike the brief, prohibit [Appellant] from filing another, and proceed as if [Appellant] had failed to file a brief.” *See id.* R. 38.9(a); *see also id.* R. 38.8(a)(1) (authorizing this court to dismiss an appeal if an appellant fails to timely file a brief).

On October 16, 2017, because Appellant had not yet filed an amended brief, we ordered him to show cause why this appeal should not be dismissed for want of prosecution. *See* TEX. R. APP. P. 38.8(a)(1). Appellant has not responded to our October 16, 2017 order. Accordingly, we dismiss this appeal for want of prosecution. *See id.*; TEX. R. APP. P. 42.3(b).

PER CURIAM