

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-12-00470-CV

IN RE COMMITMENT OF JOHN MICHAEL ENARD

On Appeal from the 435th District Court
Montgomery County, Texas
Trial Cause No. 12-01-00977 CV

MEMORANDUM OPINION

The State filed a motion to dismiss John Michael Enard's appeal of a civil commitment, ordered after a jury found Enard to be a sexually violent predator. *See* Tex. Health & Safety Code Ann. § 841.001-.151 (West 2010 & Supp. 2012) (SVP statute). The SVP commitment order was not stayed pending appeal. *See* Tex. Health & Safety Code Ann. § 841.081(a) (West 2010). The State alleged that on January 29, 2013, Enard violated the terms of the SVP order by leaving his court-ordered residence without prior written authorization from the trial court, and that Enard did not voluntarily return to his residence.

On March 21, 2013, we ordered that the appeal would be dismissed with prejudice unless, within ten days, Enard complied with the trial court's SVP commitment order by returning to the Southeast Texas Transitional Center or by surrendering himself to an officer with the power to execute the warrant for his arrest. Enard has not shown that he has complied with the trial court's order within the time specified in this Court's order of March 21, 2013.

Enard failed to comply with a court order. *See* Tex. R. App. P. 42.3(c). We provided an opportunity to explain why the appeal should not be dismissed, but Enard has not shown that good cause exists to retain his appeal. The appeal is dismissed with prejudice. *See In re Commitment of Rubio*, No. 09-11-00602-CV, 2013 WL 541896, at *1 (Tex. App.—Beaumont Feb. 14, 2013, no pet. h.) (mem. op.).

APPEAL DISMISSED.

HOLLIS HORTON
Justice

Opinion Delivered April 11, 2013
Before McKeithen, C.J., Gaultney and Horton, JJ.