



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-18-00266-CV

JERALD H. MILLER, Appellant

v.

SHEREE LUCAS, Appellee

On Appeal from the 236th District Court
Tarrant County, Texas
Trial Court No. 236-291993-17

Before Sudderth, C.J.; Gabriel and Kerr, JJ.
Per Curiam Memorandum Opinion

MEMORANDUM OPINION AND JUDGMENT

Appellant's brief originally was due on December 19, 2018. He then filed several motions for extensions, relying on his medical conditions and illnesses to justify the extensions. The court granted a 60-day extension until February 19, 2019, and then a 38-day extension until March 29, 2019, which included a warning that **“NO FURTHER EXTENSIONS WILL BE GRANTED.”**

Appellant nonetheless filed an additional motion for an extension of time on April 2, 2019, and the court granted his motion in part and ordered him to file his brief by April 26, 2019, or the appeal would be dismissed for want of prosecution with no further notice. *See* Tex. R. App. P. 38.8(a)(1), 42.3(b).

Appellant filed a brief, but because it did not comply with the requirements in rule of appellate procedure 38.1, we instructed him to file a compliant amended brief by May 17, 2019, warning him that failure to do so could result in striking the brief he had filed and dismissal of the appeal or waiver of noncomplying points. No amended brief was forthcoming, and so on May 31, 2019, we notified appellant we would dismiss the appeal for want of prosecution unless, by June 10, 2019, he filed the amended brief and an accompanying motion reasonably explaining the brief's untimely filing and why an extension was needed. *See* Tex. R. App. P. 10.5(b), 38.8(a)(1), 42.3(b). On June 12, 2019, appellant filed a motion for an extension of time, asking for “one other extension in which to file his amended brief to at least July 8, 2019.”

The court granted appellant's motion and ordered his amended brief due by July 8, 2019.

Instead of filing his amended brief, however, appellant filed a motion for an extension of time, requesting an additional extension until July 29, 2019, and the court granted the motion, ordered his brief due July 29, 2019, and included the warning that **“NO FURTHER EXTENSIONS WILL BE GRANTED.”**

On August 1, 2019, appellant filed another motion for extension of time. Because appellant has failed to file his amended brief even after we afforded ample opportunities to do so, we deny his motion and dismiss the appeal for want of prosecution. *See* Tex. R. App. P. 38.8(a)(1), 42.3(b), 43.2(f).

Per Curiam

Delivered: August 15, 2019