



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

No. 02-19-00034-CV

JERRY LYNN BISBY, Appellant

v.

TARRANT COUNTY, CITY OF NORTH RICHLAND HILLS, BIRDVILLE
INDEPENDENT SCHOOL DISTRICT, TARRANT COUNTY COLLEGE
DISTRICT, AND TARRANT COUNTY HOSPITAL DISTRICT, Appellees

On Appeal from the 67th District Court
Tarrant County, Texas
Trial Court No. 067-D18370-18

Before Sudderth, C.J.; Gabriel and Womack, JJ.
Memorandum Opinion by Justice Womack

MEMORANDUM OPINION

Appellant Jerry Lynn Bisby's brief was originally due on June 19, 2019. On July 2, 2019, appellees Tarrant County, City of North Richland Hills, Birdville Independent School District, Tarrant County College District, and Tarrant County Hospital District filed a motion to dismiss this appeal for want of prosecution because appellant had failed to file a brief. On July 18, 2019, appellant filed a letter in which he requested an "exten[s]ion of time to file a brief" and "for the court to provide a lawyer for appellant." We granted the request for an extension of time, denied the request for an attorney, and set the due date for appellant's brief as August 23, 2019. On August 27, 2019, we notified appellant that his brief had not been filed as the appellate rules require. *See* Tex. R. App. P. 38.6(a). We stated that we could dismiss this appeal for want of prosecution unless, within ten days, appellant filed an appellant's 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). Although appellant filed a one-page document entitled "Appellant[']s Brief" on September 4, 2019, he failed to file a motion reasonably explaining the brief's untimely filing. In addition, the brief failed to comply with appellate rules of procedure 9.4 and 38.1 and local rule 1.A. *See* Tex. R. App. P. 9.4, 38.1; 2nd Tex. App. (Fort Worth) Loc. R. 1.A. Thereafter, on September 9, 2019,

appellees filed their second motion to dismiss this appeal for want of prosecution. We held the motion for ten days, but appellant did not respond to this motion.

Because appellant has failed to file a motion reasonably explaining the untimely filing of his brief even after we afforded him an opportunity to explain his initial failure and has failed to file a brief that complies with the rules of appellate procedure and the local rules, we grant in part¹ appellees' second motion to dismiss this appeal for want of prosecution and dismiss the appeal for want of prosecution. *See* Tex. R. App. P. 38.8(a)(1), 42.3(b), (c), 43.2(f). In addition, we deny appellant's "motion for exten[s]ion of time to obtain 'exhibits' to present to the court showing that my son has been paying the taxes on the Bisby homestead at 7009 Corona."

/s/ Dana Womack

Dana Womack
Justice

Delivered: October 3, 2019

¹Appellees request that we "dismiss this appeal for want of prosecution, in its entirety and with prejudice." We deny appellees' motion as to the latter request.