

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-05-00478-CV

Janie Torres, Appellant

v.

Lance David Sharp and Laura Frances Bellegie Sharp, Appellees

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 345TH JUDICIAL DISTRICT
NO. GN403081, HONORABLE LORA J. LIVINGSTON, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant filed her notice of appeal on August 3, 2005. The clerk's record was filed on September 7, and the reporter's record was filed on September 13, making appellant's brief due on October 13. After receiving notification that her brief was overdue, appellant, who is representing herself pro se, filed a motion on October 28, asking for an extension of time to file her brief. On November 3, this Court extended the filing deadline to November 28. On December 5, after appellees filed their second motion to dismiss for failure to comply with filing deadlines, appellant filed her second motion for an extension of time, explaining that she had been having medical problems and needed additional time so she could undergo and recover from further testing and possible surgery. On January 13, 2006, this Court issued an order granting appellant an extension to file her brief, stating that the brief was due on February 28, that no further extensions would be granted, and that the appeal would be subject to dismissal if the brief was not timely filed. After

appellant failed to file her brief as ordered, appellees filed a third motion to dismiss on March 3, noting that the brief had not been filed and asserting that appellant has shown a pattern of failing to comply with the appellate rules and Court-ordered deadlines. On March 15, two weeks after the deadline had passed, appellant filed a third motion for an extension of time, asking to have the deadline extended until May 30.

It has now been eight months since appellant filed her notice of appeal. In our January order allowing the second extension, we warned appellant that no further extensions would be granted and that she risked dismissal if she did not timely file her brief. Appellant has consistently waited until deadlines have passed and appellees have filed a motion to dismiss before responding with her motions for extensions of time. We therefore grant appellees' third motion and dismiss the appeal for failure to comply with appellate deadlines and our January 13 order. *See* Tex. R. App. P. 42.3.

David Puryear, Justice

Before Justices B. A. Smith, Puryear and Waldrop

Dismissed on Appellees' Motion

Filed: March 31, 2006