



NUMBER 13-10-00288-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN THE INTEREST OF R.F.M., A MINOR CHILD

**On Appeal from the 343rd District Court
of San Patricio County, Texas.**

MEMORANDUM OPINION

**Before Justices Rodriguez, Benavides, and Vela
Memorandum Opinion Per Curiam**

Appellant's brief in the above cause was due on May 19, 2011. On June 7, 2011, the Court notified appellant that the appeal was subject to dismissal for want of prosecution unless, within ten days, appellant reasonably explained his failure to file the brief and the appellee was not significantly injured by his failure to do so. The notice was sent certified mail to appellant's last known forwarding address; however, the notice was returned unclaimed. Upon receiving the returned mail, the Court resent the notice to

appellant at same address by regular mail. To date, no response has been received from appellant.

Texas Rule of Appellate Procedure 9.1(b) requires unrepresented parties to sign any document filed and "give the party's mailing address, telephone number, and fax number, if any." See TEX. R. APP. P. 9.1(b). Appellant has neither provided this Court with a forwarding address nor taken any other action to prosecute this appeal.

Rule 42.3 permits an appellate court, on its own initiative after giving ten days' notice to all parties, to dismiss the appeal for want of prosecution or for failure to comply with a requirement of the appellate rules. See *id.* 42.3(b), (c). Rule 2 authorizes an appellate court to suspend a rule's operation in a particular case to expedite a decision. See *id.* 2. Given the length of inactivity in this appeal and this court's inability to give effective notice to appellant during the period of inactivity, we suspend Rule 42.3's requirement of ten days' notice to all parties, and dismiss the appeal on our own motion. See *id.* 42.3(b), (c).

PER CURIAM

Delivered and filed the
26th day of August, 2011.