



**NUMBER 13-10-00574-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**GLORIA SALINAS YBARRA, FELIPE YBARRA JR.,  
AND MELODY GARCIA, INDIVIDUALLY AND  
AS NEXT FRIENDS OR REPRESENTATIVES/HEIRS  
OF THE ESTATE OF ALYSSA YBARRA, DECEASED,** **Appellants,**

**v.**

**CHRISTUS SPOHN HOSPITAL BEEVILLE,  
CHRISTUS SPOHN HEALTH SYSTEM  
CORPORATION, RAYMOND LEWANDOWSKI JR.,  
CHILDREN'S PHYSICIAN SERVICES OF  
SOUTH TEXAS D/B/A DRISCOLL CHILDREN'S  
GENETIC CENTER,** **Appellees.**

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**On appeal from 36th District Court  
of Bee County, Texas.**

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**MEMORANDUM OPINION**

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

On September 14, 2011, appellant filed a brief that was not in compliance with the Texas Rules of Appellate Procedure. The brief failed generally to comply with the Texas Rules of Appellate Procedure. See TEX. R. APP. P. 38.1(k).

On October 27, 2011, the Clerk of the Court notified appellant that the brief failed to comply with Rule 38.1 (k) of the Texas Rules of Appellate Procedure because it does not contain an appendix as required by Rule 38.1(k). See TEX. R. APP. P. 38.1. Appellant was directed to file an appendix in compliance with the Texas Rules of Appellate Procedure within ten days of the date of the letter, and notified that if an appendix was not filed, the Court may strike the brief, prohibit appellant from filing another, and proceed as if appellant had failed to file a brief, under which circumstances the Court may affirm the judgment or dismiss the appeal. See *Id.* 38.9(a), 42.3(b),(c). Appellant failed to respond to the Court's notice.

Accordingly, we strike appellant's non-conforming brief and order the appeal DISMISSED FOR WANT OF PROSECUTION. See TEX. R. APP. P. 38.8(a), 38.9(a), 42.3(b)(c).

PER CURIAM

Delivered and filed the 15th  
day of December, 2011.