



NUMBER 13-10-00592-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

WILLIAM MAYES,

Appellant,

v.

BORGES TEXAS PROPERTIES, LLC,

Appellee.

**On appeal from the County Court at Law No. 4
of Hidalgo County, Texas.**

MEMORANDUM OPINION

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

Appellant, William Mayes, appealed a judgment entered by the County Court at Law No. 4 of Hidalgo County, Texas. On October 28, 2010, the Clerk of this Court notified appellant that the notice of appeal failed to comply with Texas Rule of Appellate Procedure 9.5 and 25.1(d). See TEX. R. APP. P. 9.5, 25.1(d). The Clerk directed appellant to file an amended notice of appeal with the district clerk's office within 30 days

from the date of that notice. The letter was sent to appellant's last known address; however, the notice was returned as "moved, left no address," and no response has been filed. The Court has attempted to contact appellant by telephone but the number has been disconnected.

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 or 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
31st day of March, 2011.