



NUMBER 13-16-00259-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

JAVIER OLIVAREZ,

Appellant,

v.

ANNA GARZA,

Appellee.

On appeal from the County Court at Law No. 7
of Hidalgo County, Texas.

MEMORANDUM OPINION

Before Chief Justice Valdez and Justices Garza and Longoria
Memorandum Opinion Per Curiam

Appellant, Javier Olivarez, appealed a judgment entered by the County Court at Law No. 7 of Hidalgo County, Texas. On May 12, 2016, the Clerk of this Court notified appellant that the notice of appeal failed to comply with Texas Rule of Appellate Procedure 9.5(e). See TEX. R. APP. P. 9.5(e). 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. On June 27, 2016, the Clerk sent a letter to appellant notifying him that the defect had not been corrected and warned appellant that the appeal would be dismissed if the defect were not cured within ten days. The letter was sent to appellant's last known forwarding address; however, the notice was returned to sender as "vacant unable to forward."

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
8th day of September, 2016.