



NUMBER 13-19-00533-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

ALLEN MICHAEL CANALES,

Appellant,

v.

ERIKA LEE RODRIGUEZ,

Appellee.

**On appeal from the 28th District Court
of Nueces County, Texas.**

MEMORANDUM OPINION

**Before Chief Justice Contreras and Justices Longoria and Perkes
Memorandum Opinion by Justice Perkes**

On December 6, 2019, the Clerk of the Court notified appellant via certified letter that his notice of appeal was defective. On January 2, 2020, the letter was returned “unclaimed, unable to forward.” On January 3, 2020, the Clerk of the Court sent a letter via regular mail requesting the defect be corrected. To date, no response nor communication has been received from appellant.

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. TEX. R. APP. P. 42.3(b), (c). Rule 2 authorizes an appellate court to suspend a rule's operation in a particular case to expedite a decision. *Id.* R. 2. Given the length of inactivity in this appeal and this Court's inability to give effective notice to appellant, we suspend Rule 42.3's requirement of ten days' notice to all parties and dismiss the appeal on our own motion. *See id.* R. 42.3(a), (c).

Appellant has failed to correct or reasonably explain his failure to correct the notice of appeal. Accordingly, the appeal is DISMISSED FOR WANT OF PROSECUTION.

GREGORY T. PERKES
Justice

Delivered and filed the
20th day of February, 2020.