



NUMBER 13-20-00399-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

NATALIE MORRIS,

Appellant,

v.

**WILMINGTON SAVINGS FUND
SOCIETY, FSB, D/B/A CHRISTIANA
TRUST AS OWNER TRUSTEE OF THE
RESIDENTIAL CREDIT OPPORTUNITIES TRUST V,**

Appellees.

**On appeal from the County Court at Law No. 5
of Nueces County, Texas.**

MEMORANDUM OPINION

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

Appellant Natalie Morris filed a notice of appeal from a final judgment and order of possession signed on August 20, 2020, in trial court cause number 2018CCV-62405-5 in the County Court at Law No. 5 of Nueces County, Texas. The clerk's record for the appeal

was filed on December 17, 2020. Appellant filed a motion for extension of time to file her brief in this matter which the Court granted until February 18, 2021. Appellant filed a second motion for extension of time to file her brief in this matter, which was opposed by appellees, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust as Owner Trustee of the Residential Credit Opportunities Trust V. The Court granted appellant's second motion for extension of time to file the brief until March 22, 2021. Nevertheless, appellant did not file her brief.

On March 24, 2021, the Clerk notified appellant that her brief had not been timely filed. The Clerk advised appellant that the appeal would be dismissed for want of prosecution unless, within ten days from the date of this letter, appellant reasonably explained the failure and the appellees were not significantly injured by the appellant's failure to timely file a brief. See TEX. R. APP. P. 38.8(a). Appellant did not respond to the Clerk's notice or file a brief in this matter.

Appellate courts possess the authority to dismiss an appeal for want of prosecution when an appellant in a civil case fails to timely file the appellant's brief and gives no reasonable explanation for the failure. See *id.* R. 38.8(a)(1); *id.* R. 42.3(b); *Am. Bail Bonds v. City of El Paso*, 225 S.W.3d 612, 612 (Tex. App.—El Paso 2006, no pet.); *Newman v. Clark*, 113 S.W.3d 622, 623 (Tex. App.—Dallas 2003, no pet.) (per curiam). Similarly, courts may dismiss an appeal for want of prosecution generally or because the appellant has failed to comply with a requirement of the appellate rules, a court order, or a notice from the appellate court clerk requiring a response or other action within a specified time. See TEX. R. APP. P. 42.3 (b), (c).

The Court, having examined and fully considered the documents on file and appellant's failure to file a brief, is of the opinion that this appeal should be dismissed. Accordingly, we dismiss the appeal for want of prosecution. See *id.* R. 38.8(a), 42.3(b), (c).

JAIME TIJERINA
Justice

Delivered and filed on the
3rd day of June, 2021.