



NUMBER 13-23-00017-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

JEFFREY R. VAUGHAN,

Appellant,

v.

**RAUL MEDINA AND LAW
OFFICE OF RAUL MEDINA, P.C.,**

Appellees.

**On appeal from the 430th District Court
of Hidalgo County, Texas.**

MEMORANDUM OPINION

**Before Chief Justice Contreras and Justices Silva and Peña
Memorandum Opinion by Justice Silva**

Appellant Jeffrey R. Vaughan timely filed a notice of appeal from a final judgment signed in trial court cause number C-5229-16-J-1 in the 430th District Court of Hidalgo County, Texas on January 13, 2023. The clerk's record for the appeal was subsequently filed. On May 19, 2023, the court reporter notified the Court that appellant had not

requested the reporter's record. Consequently, the Clerk of the Court notified appellant that the reporter's record was past due, and if no response or record was filed within thirty days from the date of the letter, the matter would be referred to the Court. On June 9, 2023, appellant was notified that any issues not requiring a reporter's record would be decided accordingly, and his brief was expected to be filed by July 10, 2023. On July 13, 2023, having received neither a reporter's record, appellant's brief, or response from appellant, the Clerk of the Court informed appellant that the appeal was subject to dismissal ten days from the date of receipt of the Court's notice unless appellant reasonably explained his failure to timely file a brief and the appellee was not significantly injured by appellant's failure. See TEX. R. APP. P. 42.3(b), (c). 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 on their own initiative after giving ten days' notice to all parties 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. 42.3(b); see also *Walker v. Humphrey*, No. 13-20-00452-CV, 2021 WL 2231930, at *1 (Tex. App.—Corpus Christi—Edinburg June 3, 2021, no pet.) (mem. op.).

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).

CLARISSA SILVA
Justice

Delivered and filed on the
3rd day of August, 2023.