



NUMBER 13-23-00417-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

DENNIS EBORKA,

Appellant,

v.

DOUGLAS STOVES,

Appellee.

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

MEMORANDUM OPINION

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

This cause is before the Court on its own motion due to appellant's failure to file a compliant brief. Appellant filed a notice of appeal on September 27, 2023 and several amended notices of appeal thereafter.

On February 5, 2024, the Clerk of the Court notified appellant that his brief did not comply with the Texas Rules of Appellate Procedure. See TEX. R. APP. P. 9.4(i)(3),

38.1(a), 38.1(b), 38.1(c), 38.1(g), 38.1(h), 38.1(k). Appellant filed three amended briefs with numerous defects.

On February 6, 2024, the Clerk of the Court advised appellant that if appellant did not file an amended brief, his appeal was subject to dismissal for want of prosecution. *See id.* 42.3. Appellant filed another amended brief, and the defects have not been cured. Appellant's brief has numerous formal defects and does not comply with the Texas Rules of Appellate Procedure. *See id.* 9.1(b), 9.4(h), 38.1(b), 38.1(c), 38.1(g), 38.1(i), 38.1(k)(1)(A)(C).

Accordingly, under the authority of Texas Rule of Appellate Procedure 38.9(a), we hereby strike appellant's brief, and prohibit appellant from filing another brief. *See id.* 38.9. We dismiss the appeal for want of prosecution and appellant's failure to comply with this Court's directive and the appellate rules.¹ *See id.* 38.8(a), 42.3(b), (c).

JAIME TIJERINA
Justice

Delivered and filed on the
15th day of February, 2024.

¹ Appellant's pending motion for emergency relief is hereby denied.