



NUMBER 13-23-00418-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

MARY ASHLEY GOMEZ,

Appellant,

v.

JUAN JOSE ROJAS,

Appellee.

**On appeal from the 92nd District Court
of Hidalgo County, Texas.**

MEMORANDUM OPINION

**Before Justices Longoria, Silva, and Peña
Memorandum Opinion by Justice Longoria**

Appellant filed a notice of appeal on September 29, 2023. On October 2, 2023, the Clerk of the Court notified appellant that the notice of appeal was defective and did not comply with Texas Rules of Appellate Procedure 9.1(b), 9.5(e), and 25.1(d)(2), (4), and (8). See TEX. R. APP. P. 9.1, 9.5, 25.1(d).

On November 3, 2023, the Clerk of this Court notified appellant that the appeal was subject to dismissal if a filing fee was not paid within ten days from the date of the notice. *See id.* R. 42.3(b), (c). Additionally, the Clerk of this Court notified appellant of the defects in her notice of appeal had not been corrected and that the appeal was subject to dismissal if the defects were not corrected within ten days from the date of receipt of the letter. *See id.* R. 42.3(b), (c). On November 13, 2023, both of the Clerk’s mailed notices were returned to sender and marked “return to sender,” “insufficient address,” and “unable to forward.” A copy of each notice was emailed to appellant’s only known email address.

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, fax number, if any, and email address.” *See id.* R. 9.1(b). The clerk’s office does not have a telephone number for appellant, and the district clerk did not have any additional contact information for the appellant.

Furthermore, Texas Rule of Appellate Procedure 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.* R. 42.3(b), (c). Accordingly, we dismiss the appeal for want of prosecution. *See id.* R. 42.3.

NORA L. LONGORIA
Justice

Delivered and filed on the
18th day of January, 2024.