

NO. 12-14-00257-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN THE INTEREST OF J. C. H., § *APPEAL FROM THE 1ST*
A CHILD § *JUDICIAL DISTRICT COURT*
§ *SAN AUGUSTINE COUNTY, TEXAS*

MEMORANDUM OPINION
PER CURIAM

As to Appellant J.H. only, this appeal is being dismissed for want of prosecution. *See* TEX. R. APP. P. 42.3(b).

J.H. perfected his appeal in this parental rights termination case on July 29, 2014. On September 14, 2014, this court notified J.H. that, because of the accelerated nature of this case, his brief would be due on or before October 6, 2014. *See* TEX. R. JUD. ADMIN. 6.2, *reprinted in* TEX. GOV'T CODE ANN., tit. 2, subtit. F app. (West 2013). When J.H. failed to file his brief by the due date, this court notified him on October 7, 2014, pursuant to Texas Rule of Appellate Procedure 42.3(c), that the brief was past due. The notice warned that if no motion for extension of time to file the brief was received by October 17, 2014, the appeal would be dismissed for want of prosecution under Texas Rule of Appellate Procedure 38.8(a)(1). Further, the notice informed J.H. that the motion for extension of time must contain a reasonable explanation for his failure to file the brief and a showing that Appellee had not suffered material injury thereby.

To date, J.H. has neither complied with, nor otherwise responded to, this court's October 7, 2014 notice. Accordingly, we *dismiss* the appeal, as to J.H. only, for want of prosecution. *See* TEX. R. APP. P. 38.8(a)(1), 42.3(b), (c). As to Appellant C.H., the appeal remains pending on this court's docket.

Opinion delivered November 5, 2014.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

NOVEMBER 5, 2014

NO. 12-14-00257-CV

IN THE INTEREST OF J. C. H., A CHILD

Appeal from the 1st District Court
of San Augustine County, Texas (Tr.Ct.No. CV-13-9429)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this court that this appeal should be dismissed for want of prosecution as to **J.H.** only.

It is therefore ORDERED, ADJUDGED and DECREED by this court that this appeal be, and the same is, hereby **dismissed for want of prosecution as to J.H. only**; and that this decision be certified to the court below for observance.

By *per curiam* opinion.
Panel consisted of Worthen, C.J., Griffith J., and Hoyle, J.