

NO. 12-15-00037-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

§ *APPEAL FROM THE 402ND*

IN THE INTEREST OF A. B., CHILD § *JUDICIAL DISTRICT COURT*

§ *WOOD COUNTY, TEXAS*

***MEMORANDUM OPINION
PER CURIAM***

This appeal is being dismissed because Appellant B.B. has failed to comply with the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 42.3. Pursuant to Rule 32.1, B.B.'s docketing statement was due to have been filed at the time the appeal was perfected, i.e., March 4, 2015. *See* TEX. R. APP. P. 32.1. Because B.B. did not file his docketing statement at that time, this court requested by letter dated March 6, 2015, that he file his docketing statement within ten days if he had not already done so. B.B. did not file the docketing statement as requested. On March 23, 2015, the court notified B.B. that the appeal would be dismissed on or before April 2, 2015 unless he filed the required docketing statement. *See* TEX. R. APP. P. 32.1.

Moreover, B.B. was notified by letter dated February 13, 2015, that his brief would be due on or before March 16, 2015. When B.B. failed to file his brief by the due date, this court, by letter dated March 23, 2015, notified B.B. that the brief was past due. The notice warned that if no motion for extension of time to file the brief was received by April 2, 2015, the appeal would be dismissed for want of prosecution under Texas Rule of Appellate Procedure 42.3(b).

The April 2 deadline has passed, and B.B. has not complied with the court's requests for the docketing statement and the motion for extension of time to file his appellate brief. Because B.B. has failed, after notice, to comply with Rules 32.1 and 38.6(d), the appeal filed by B.B. is

dismissed. See TEX. R. APP. P. 42.3(b), (c). **The appeal filed by A.B. under the same appellate cause number is not affected by this dismissal.**

Opinion delivered April 15, 2015.

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

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

APRIL 15, 2015

NO. 12-15-00037-CV

IN THE INTEREST OF A. B., A CHILD

Appeal from the 402nd District Court
of Wood County, Texas (Tr.Ct.No. 2014-096)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this court that the appeal filed by B.B. should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this court that in accordance with TEX. R. APP. P. 32.1, 38.6(d) and 42.3, the appeal filed by B.B. is hereby **dismissed for want of prosecution**; and that this decision be certified to the court below for observance. **The appeal filed by A.B. under the same appellate cause number is not affected by this dismissal.**

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