

NO. 12-18-00304-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

<i>IN THE INTEREST OF</i>	§	<i>APPEAL FROM THE 307TH</i>
<i>J.W.B., III AND L.M.B.,</i>	§	<i>DISTRICT COURT</i>
<i>CHILDREN</i>	§	<i>GREGG COUNTY, TEXAS</i>

***MEMORANDUM OPINION
PER CURIAM***

This appeal is being dismissed for want of prosecution. *See* TEX. R. APP. P. 42.3(b). Appellant, Kelly Booth, perfected her pro se appeal on October 31, 2018. The clerk’s record was filed on December 19, 2018, the reporter’s record was filed on March 28, 2019, and Booth’s brief was due on or before April 29. On April 29, Booth filed a motion for extension of time to file her brief. On May 2, this Court notified Booth that her motion failed to comply with the certificate of conference requirement of Texas Rule of Appellate Procedure 10.1(a)(5). *See* TEX. R. APP. P. 10.1(a)(5) (“in civil cases, except for motions for rehearing and en banc reconsideration, [a motion must] contain or be accompanied by a certificate stating that the filing party conferred, or made a reasonable attempt to confer, with all other parties about the merits of the motion and whether those parties oppose the motion”). The notice requested that Booth amend and refile the motion on or before May 9. On May 9, Booth filed another motion for extension of time. However, this motion likewise failed to contain a certificate of conference. That same day, this Court again notified Booth that her motion failed to comply with Rule 10.1(a)(5). The notice requested that Booth provide a proper certificate on or before May 20.

On May 10, this Court also notified Booth that her brief was past due. We further notified Booth that the appeal may be dismissed for want of prosecution unless a motion for extension of time, containing a reasonable explanation for the failure to file a brief and showing that Appellee has not suffered material injury thereby, is filed no later than May 20.

The May 20 deadline has passed and Appellant did not file a brief or a motion for extension of time with a proper certificate of conference. Accordingly, we *dismiss* the appeal for *want of prosecution*. See TEX. R. APP. P. 38.8(a)(1), 42.3(b). All pending motions are *overruled as moot*.

Opinion delivered May 31, 2019.

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

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

MAY 31, 2019

NO. 12-18-00304-CV

IN THE INTEREST OF J.W.B., III AND L.M.B., CHILDREN,

Appeal from the 307th District Court
of Gregg County, Texas (Tr.Ct.No. 2010-275-DR)

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.

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

By *per curiam* opinion.

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