

NO. 12-20-00041-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

THE STATE OF TEXAS FOR THE § *APPEAL FROM THE 145TH*
BEST INTEREST AND PROTECTION § *JUDICIAL DISTRICT COURT*
OF W.L.R. § *NACOGDOCHES COUNTY, TEXAS*

MEMORANDUM OPINION
PER CURIAM

This accelerated appeal is being dismissed for want of prosecution.¹ *See* TEX. R. APP. P. 42.3(b). The Harris Center for Mental Health & IDD filed a notice of appeal from an order for outpatient or community-based treatment and supervision. The clerk's record was filed on February 11, 2020 and the reporter's record was filed on February 25. The Harris Center's brief was due on or before March 16. On March 16, the Harris Center filed a motion for extension of time, which this Court granted to April 6. On April 6, the Harris Center filed another motion for extension of time, which this Court granted to April 13, but ordered that no further extensions would be entertained. The order granting the extension warned that failure to file the brief by the extended deadline may result in the case being referred to the court for dismissal. The April 13 deadline expired without the Harris Center filing a brief.

When an appellant fails to timely file a brief, the appellate court may dismiss the appeal for want of prosecution, unless the appellant reasonably explains the failure and the appellee is not significantly injured by the appellant's failure to timely file a brief. TEX. R. APP. P. 38.8(a)(1). Here, the Harris Center failed to file a brief by the extended deadline. Nor has this Court received a late brief accompanied by a motion for leave to file late brief. Accordingly, we *dismiss* the appeal for *want of prosecution*. *See* TEX. R. APP. P. 38.8(a)(1), 42.3(b).

¹ *See* TEX. HEALTH & SAFETY CODE ANN. § 574.070 (West 2017); *see also* TEX. R. APP. P. 28.1.

Opinion delivered April 22, 2020.

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



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

APRIL 22, 2020

NO. 12-20-00041-CV

**THE STATE OF TEXAS FOR THE BEST
INTEREST AND PROTECTION OF W.L.R.**

Appeal from the 145th District Court
of Nacogdoches County, Texas (Tr.Ct.No. F1924026)

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.