

**NO. 12-21-00203-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

***BEVERLY MOSS AND PATRICE  
JOHNSON,  
APPELLANTS***

§ ***APPEAL FROM THE 369TH***

§ ***JUDICIAL DISTRICT COURT***

***V.***

***BILLIE JOE GIBSON,  
APPELLEE***

§ ***ANDERSON COUNTY, TEXAS***

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***MEMORANDUM OPINION  
PER CURIAM***

This appeal is being dismissed for want of prosecution. *See* TEX. R. APP. P. 42.3(b).

Appellants, Beverly Moss and Patrice Johnson, perfected this appeal on November 5, 2021. The clerk's record was filed on December 15. Because Appellants failed to make payment arrangements with the court reporter, no reporter's record was filed and the case was ordered submitted on the clerk's record alone. Appellants' brief was due on or before January 14, 2022. We granted three extensions, with the third extension making Appellants' brief due on or before April 27. In that third order granting an extension, we stated that no further extensions would be entertained. Nevertheless, Appellants' counsel filed a fourth extension on April 27, which we overruled but we ordered the brief due by May 16. On May 13, counsel filed a motion to withdraw as attorney, which we granted. Appellants' pro se brief was due by June 1.

On June 7, this Court notified Appellants that the brief was past due. We further notified Appellants 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 June 17.

The June 17 deadline has passed and Appellants have not filed a brief, a motion for leave to file a late brief, or a motion for extension of time.<sup>1</sup> Accordingly, we *dismiss* the appeal for *want of prosecution*. See TEX. R. APP. P. 38.8(a)(1), 42.3(b).

Opinion delivered June 30, 2022.

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

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<sup>1</sup> Pro se litigants are held to the same standards as licensed attorneys and must comply with all applicable rules of procedure; otherwise, pro se litigants would benefit from an unfair advantage over parties represented by counsel. *Muhammed v. Plains Pipeline, L.P.*, No. 12-16-00189-CV, 2017 WL 2665180, at \*2 n.3 (Tex. App.—Tyler June 21, 2017, no pet.) (mem. op.).



**COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT OF TEXAS**

**JUDGMENT**

**JUNE 30, 2022**

**NO. 12-21-00203-CV**

**BEVERLY MOSS AND PATRICE JOHNSON,**

Appellants

V.

**BILLIE JOE GIBSON,**

Appellee

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Appeal from the 369th District Court  
of Anderson County, Texas (Tr.Ct.No. 369-02-2583)

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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.*