

NO. 12-22-00056-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***PAULA ROGERS HINZ,
APPELLANT***

§ ***APPEAL FROM THE 1ST***

V.

§ ***JUDICIAL DISTRICT COURT***

***WILLIAM DALE FORTUNE AND
DEBBIE FORTUNE,
APPELLEES***

§ ***SABINE COUNTY, TEXAS***

***MEMORANDUM OPINION
PER CURIAM***

This appeal is being dismissed for want of prosecution.¹ See TEX. R. APP. P. 42.3(b). Appellant, Paula Hinz, filed a pro se notice of appeal on March 16, 2022. The clerk's record was filed on May 13 and Hinz's brief was due on or before June 13.² On June 16, this Court notified Hinz that the brief was past due. We further notified Hinz 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 Appellees had not suffered material injury thereby, is filed no later than June 27. Hinz filed a motion for extension, which we granted to July 27. On August 2, this Court again notified Hinz that the brief was past due and that the case would be presented to the Court for dismissal unless Hinz filed a brief with a motion for leave to file late brief or a proper motion for extension of time on or before August 12.

¹ This appeal was originally dismissed for failure to pay the filing fee but was reinstated upon Hinz's motion for rehearing and payment of the applicable filing fee. See *Hinz v. Fortune*, No. 12-22-00056-CV, 2022 WL 1038103 (Tex. App.—Tyler Apr. 6, 2022, no pet.) (per curiam) (mem. op.).

² Hinz's docketing statement reflects that no reporter's record was requested.

The August 12 deadline passed and Hinz has not filed a brief, a motion for leave to file a late brief, or a motion for extension of time.³ Accordingly, we *dismiss* the appeal for *want of prosecution*. See TEX. R. APP. P. 38.8(a)(1), 42.3(c).

Opinion delivered August 24, 2022.

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

³ 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

AUGUST 24, 2022

NO. 12-22-00056-CV

PAULA ROGERS HINZ,

Appellant

V.

WILLIAM DALE FORTUNE AND DEBBIE FORTUNE,

Appellees

Appeal from the 1st District Court

of Sabine County, Texas (Tr.Ct.No. CV2013834)

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.