

NO. 12-23-00314-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

SHAMBRECKA N. HEARN,
APPELLANT

§ ***APPEAL FROM THE***

V.

§ ***COUNTY COURT AT LAW***

EATON SMALLWOOD,
APPELLEE

§ ***SMITH COUNTY, TEXAS***

MEMORANDUM OPINION
PER CURIAM

This appeal is being dismissed for want of prosecution. *See* TEX. R. APP. P. 42.3(b). Appellant, Shambrecka N. Hearn, filed a pro se notice of appeal on December 8, 2023. The clerk’s record was filed on December 18 and a notice that no record was taken was filed on January 17, 2024. Appellant’s brief was due on or before February 16. On February 15, Appellant attempted to file a brief, but only filed a copy of the default judgment against her. On February 16, Appellant filed a motion for extension of time to file brief, noting that she “wrongfully” filed her brief and sought an extension of time to March 1 to submit a correct brief. This Court granted the motion. On March 5, the Clerk of this Court notified Appellant that the brief was past due. We further notified Appellant 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 had not suffered material injury thereby, is filed no later than March 15.

The March 15 deadline passed, and Appellant has not filed a brief, a motion for leave to file a late brief, or a motion for extension of time.¹ Accordingly, we *dismiss* the appeal for *want of prosecution*. See TEX. R. APP. P. 38.8(a)(1), 42.3(c).

Opinion delivered April 10, 2024.

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

¹ 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

APRIL 10, 2024

NO. 12-23-00314-CV

SHAMBRECKA N. HEARN,

Appellant

V.

EATON SMALLWOOD,

Appellee

Appeal from the County Court at Law
of Smith County, Texas (Tr.Ct.No. 76133-A)

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