

COURT OF APPEALS OF TEXAS, SEVENTH DISTRICT AT AMARILLO

Saengdavone Souvannasane v. Jenny Sisombath

Souvannasane · No. 07-22-00126-CV · Decided October 31, 2022

SUMMARY

The Seventh District Court of Appeals of Texas dismissed Saengdavone Souvannasane’s pro se appeal from a default protective order for want of prosecution. The dismissal followed the appellant’s failure to file a required brief or otherwise communicate with the court after receiving notice that the appeal was subject to dismissal.

CASE DETAILS

COURT	Court of Appeals of Texas, Seventh District at Amarillo
WRITING FOR THE COURT	Quinn, C.J.; Parker, J.; Doss, J.
JURISDICTION	Texas
DECIDED	October 31, 2022
DOCKET	07-22-00126-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant appealed from a default protective order. After appellant failed to file an appellate brief by the deadline and failed to respond to the court's notice that the appeal was subject to dismissal, the court dismissed the appeal for want of prosecution.
PRECEDENTIAL VALUE	published
PARTIES	Saengdavone Souvannasane v. Jenny Sisombath

TOPICS

- appellate procedure
- civil procedure
- default

PRACTICE AREAS

- appellate procedure
- civil procedure
- family law

QUESTIONS PRESENTED

- Whether the appeal should be dismissed for want of prosecution when the appellant failed to file an appellate brief and did not respond to the court's notice of potential dismissal.

HOLDINGS

1. An appeal may be dismissed for want of prosecution when the appellant fails to file the required brief and does not respond to the appellate court's notice that the appeal is subject to dismissal.

KEY QUOTATIONS

“Accordingly, we dismiss the appeal for want of prosecution.” (2)

FACTUAL BACKGROUND

The appeal concerned a default protective order entered by the trial court. The material appellate facts were that appellant failed to file the required brief by the deadline and did not respond to the appellate court's subsequent notice warning that the appeal could be dismissed.

PROCEDURAL HISTORY

The appeal arose from a default protective order entered by the 231st District Court of Tarrant County, Texas. Appellant's brief was due September 26, 2022, but was not filed. The appellate court notified appellant on October 4, 2022, that the appeal would be dismissed if a brief was not received by October 14, and appellant neither filed a brief nor communicated further with the court. The appeal was transferred from the Second Court of Appeals to the Seventh District pursuant to the Texas Supreme Court's docket-equalization efforts.

DISPOSITION

dismissed

OPINION

Saengdavone Souvannasane v. Jenny Sisombath

PER CURIAM.

In The Court of Appeals Seventh District of Texas at Amarillo No. 07-22-00126-CV

SAENGDAVONE SOUVANNASANE, APPELLANT

V.

JENNY SISOMBATH, APPELLEE

On Appeal from the 231st District Court Tarrant County, Texas Trial Court No. 231-694444-21,
Honorable Jesus Nevarez, Jr., Presiding October 31, 2022

MEMORANDUM OPINION

Before QUINN, C.J., and PARKER and DOSS, JJ. Appellant, Saengdavone Souvannasane, proceeding pro se, appeals from the trial court's Default Protective Order. 1 Appellant's brief was due September 26, 2022, but was not filed. By letter of October 4, 2022, we notified appellant that the appeal was subject to dismissal for want of prosecution, without further notice, if a brief was not 1Originally appealed to the Second Court of Appeals, this appeal was transferred to this Court by the Texas Supreme Court pursuant to its docket equalizations efforts. See TEX. GOV'T CODE

ANN. § 73.001. received by October 14. To date, appellant has neither filed a brief nor had any further communication with this Court. Accordingly, we dismiss the appeal for want of prosecution. See TEX. R. APP. P. 38.8(a)(1), 42.3(b). Per Curiam 2

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