COURT OF APPEALS OF TEXAS, EIGHTH DISTRICT, EL PASO

5622 Equity DE, LLC and Real Property Located at 5622 Evers Road, San Antonio, Texas 78238 v. City of Leon Valley

No. 08-23-00030-CV · No. No. 08-23-00030-CV · Decided February 14, 2023

SUMMARY

The Eighth District Court of Appeals ordered court reporter Luis Duran to file the reporter's record in this accelerated appeal by February 21, 2023. The court stated that no further extensions would be granted and warned that failure to comply could result in an order to appear and show cause why he should not be held in contempt.

CASE DETAILS

COURT	Court of Appeals of Texas, Eighth District, El Paso
WRITING FOR THE COURT	Per Curiam; Chief Justice Rodriguez; Justice Palafox; Justice Soto
JURISDICTION	Texas
DECIDED	February 14, 2023
DOCKET	No. 08-23-00030-CV
DISPOSITION	other
PROCEDURAL POSTURE	Accelerated appeal in which the appellate record had not been filed by the extended deadline.
PRECEDENTIAL VALUE	Published procedural order; no substantive holding identified
PARTIES	5622 Equity DE, LLC and Real Property Located at 5622 Evers Road, San Antonio, Texas 78238 v. City of Leon Valley

TOPICS

appellate procedure · civil procedure · contempt · municipal law

PRACTICE AREAS

Appellate procedure · Civil procedure · Municipal law

QUESTIONS PRESENTED

1. Whether the appellate court should order the court reporter to file the overdue reporter's record in the accelerated appeal.

KEY QUOTATIONS

> *"Accordingly, we hereby ORDER court reporter Luis Duran to file the reporter's record in No. 08-23-00030-CV on or before February 21, 2023."*

FACTUAL BACKGROUND

This order concerns the absence of the reporter's record in an accelerated appeal. The record was initially due December 29, 2022, was extended to January 17, 2023, and still had not been filed by February 14, 2023. The appellate court noted numerous unsuccessful attempts to contact the court reporter, Luis Duran, regarding the record.

PROCEDURAL HISTORY

The appeal was taken from the 285th District Court of Bexar County, Texas, in trial-court cause number 2022-CI-14895. The reporter's record was originally due December 29, 2022, and the Fourth Court of Appeals extended the deadline to January 17, 2023. Because no reporter's record had been filed despite repeated attempts to contact the court reporter, the Eighth District Court of Appeals ordered the court reporter to file the record by February 21, 2023.

DISPOSITION

other

OPINION

PER CURIAM.

COURT OF APPEALS EIGHTH DISTRICT OF TEXAS EL PASO, TEXAS § 5622 EQUITY DE, LLC AND REAL § No. 08-23-00030-CV PROPERTY LOCATED AT 5622 EVERS ROAD, SAN ANTONIO, TEXAS 78238, § Appeal from the Appellants, § 285th District Court v. § of Bexar County, Texas CITY OF LEON VALLEY, § (TC# 2022-CI-14895) Appellee. § ORDER The reporter's record in this accelerated appeal was originally due on December 29, 2022, and was thereafter extended by the Fourth Court of Appeals to be due January 17, 2023.

No reporter's record has been filed to date, despite numerous attempts to contact the court reporter of the 73rd Judicial District Court, Luis Duran. Accordingly, we hereby ORDER court reporter Luis Duran to file the reporter's record in No. 08-23-00030-CV on or before February 21, 2023. Mr. Duran is advised that if the record is not received by this date, we may order him to appear and show cause why he should not be held in contempt.

No further extensions will be granted. IT IS SO ORDERED this 14th day of February, 2023. PER CURIAM Before Rodriguez, C.J., Palafox and Soto, JJ. 1

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