

COURT OF APPEALS FOR THE SIXTH APPELLATE DISTRICT OF TEXAS AT
TEXARKANA

In the Interest of S.B., a Child

In re S.B. · No. 06-20-00102-CV · Decided September 28, 2021

SUMMARY

The Sixth Court of Appeals of Texas at Texarkana dismissed Mekhala Bhimesh’s appeal for want of prosecution after she failed to file an appellate brief by the final deadline. The court relied on Texas Rules of Appellate Procedure 38.8(a)(1) and 42.3(b), (c).

CASE DETAILS

COURT	Court of Appeals for the Sixth Appellate District of Texas at Texarkana
WRITING FOR THE COURT	Scott E. Stevens; Chief Justice Morriss; Justice Burgess; Justice Stevens
JURISDICTION	Texas
DECIDED	September 28, 2021
DOCKET	06-20-00102-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant failed to file an appellate brief by the court-ordered final deadline and appealed from the 469th Judicial District Court of Collin County, Texas.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Mekhala Bhimesh

TOPICS

- appellate procedure
- civil procedure
- family law procedure

PRACTICE AREAS

- appellate procedure
- family law

QUESTIONS PRESENTED

1. Whether the appeal should be dismissed for want of prosecution under the Texas Rules of Appellate Procedure because the appellant failed to file a brief by the court-ordered deadline.

HOLDINGS

1. An appeal may be dismissed for want of prosecution when the appellant fails to file a brief by the court-ordered deadline after receiving notice that the failure may result in dismissal.

KEY QUOTATIONS

“Having received no brief from appellant, Bhimesh’s appeal is ripe for dismissal for want of prosecution.” (2)

“Consequently, Pursuant to Rules 38.8 and 42.3 of the Texas Rules of Appellate Procedure, we dismiss this appeal for want of prosecution.” (2)

FACTUAL BACKGROUND

Mekhala Bhimesh filed a timely notice of appeal and received several extensions to file her appellate brief. Despite a final deadline and an express warning that failure to file a brief would subject the appeal to dismissal, she did not file a brief.

PROCEDURAL HISTORY

Bhimesh timely filed a notice of appeal from the trial court. After multiple extensions of the briefing deadline, including an extension granted after the Texas Supreme Court denied her motion to retransfer the case, the court set September 21, 2021, as the final deadline and warned that failure to file a brief could result in dismissal. Bhimesh failed to file a brief, and the court denied her fourth extension motion before dismissing the appeal for want of prosecution.

DISPOSITION

dismissed