

COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

Linda K. McCrary v. Eustolia P. Rios and Leonardo M. Rios

McCrary v. Rios · No. 05-18-01395-CV · Decided January 28, 2019

OPINION

PER CURIAM.

Order entered January 28, 2019 In The Court of Appeals Fifth District of Texas at Dallas No. 05-18-01395-CV LINDA K. MCCRARY, Appellant V. EUSTOLIA P. RIOS AND LEONARDO M. RIOS, Appellees On Appeal from the County Court at Law No. 1 Hunt County, Texas Trial Court Cause No. CC1800388 ORDER Before the Court is appellant's January 24, 2019 motion in which she complains of the trial process and judgment and seeks, among other relief, return of her security deposit and to withdraw funds from the registry of the Court.

The motion could be construed as appellant's brief on the merits. However, the brief is not yet due. While the clerk's record has been filed, the reporter's record has not. By letter dated January 3, 2019, court reporter Cher Bench informed the Court the record had not been requested. That same day, we directed appellant to file, within ten days, written verification she had requested preparation of the reporter's record and cautioned her that failure to comply could result in the appeal being submitted without the record.

See TEX. R. APP. P. 37.3(c). To date, appellant has not complied. Accordingly, we ORDER the appeal submitted without the reporter's record and further ORDER appellant to file her brief on the merits no later than February 28, 2019.

The brief shall comply with the requirements of Texas Rules of Appellate Procedure 9 and 38.1. See TEX. R. APP. P. 9, 38.1. We DENY appellant's motion without prejudice to appellant raising the same arguments in her brief on the merits. /s/ ERIN A. NOWELL JUSTICE