

TEXAS COURT OF APPEALS, SECOND APPELLATE DISTRICT AT FORT WORTH

Yvonne Reed v. Alta Marine Creek Owners, LLC dba Alta Marine Creek

Reed · No. 02-25-00285-CV · Decided February 12, 2026

SUMMARY

The Texas Court of Appeals for the Second District dismissed the appeal for want of prosecution because the appellant failed to file an appellant’s brief after receiving multiple notices and extensions. The court relied on Texas Rules of Appellate Procedure 38.8(a)(1), 42.3(b), and 43.2(f).

CASE DETAILS

COURT	Texas Court of Appeals, Second Appellate District at Fort Worth
WRITING FOR THE COURT	Per Curiam; Wallach, J.; Sudderth, C.J.; Walker, J.
JURISDICTION	Texas Court of Appeals, Second Appellate District at Fort Worth
DECIDED	February 12, 2026
DOCKET	02-25-00285-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from County Court at Law No. 1, Tarrant County, dismissed for want of prosecution after the appellant failed to file an appellant's brief despite notice and an extension.
PRECEDENTIAL VALUE	published
PARTIES	Yvonne Reed v. Alta Marine Creek Owners, LLC dba Alta Marine Creek

TOPICS

- appellate procedure
- civil procedure

PRACTICE AREAS

- civil procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether the appeal should be dismissed for want of prosecution when the appellant failed to file an appellant's brief after notice of the deficiency and an opportunity to obtain an extension.

HOLDINGS

1. An appellate court may dismiss an appeal for want of prosecution when the appellant fails to file a required brief after being notified of the deficiency and given an opportunity to explain the failure or obtain an extension.

KEY QUOTATIONS

“Because Appellant has failed to file a brief even after we afforded an opportunity to explain the initial failure, we dismiss the appeal for want of prosecution.” (2)

FACTUAL BACKGROUND

The appeal arose from a forcible-entry-and-detainer matter. The appellant repeatedly failed to file the required appellate brief, first missing the original deadline and then missing the extended deadline. After receiving two notices and an opportunity to explain the failure, the appellant did not file a brief or provide a further response.

PROCEDURAL HISTORY

The appellant's brief was initially due November 6, 2025. After notice of the deficiency, the court construed the appellant's response as a motion for extension, granted the extension, and ordered the brief due January 16, 2026. The appellant again failed to file a brief or respond to a second notice, so the court dismissed the appeal for want of prosecution.

DISPOSITION

dismissed

OPINION

Yvonne Reed v. Alta Marine Creek Owners, LLC Dba Alta Marine Creek

PER CURIAM.

In the Court of Appeals Second Appellate District of Texas at Fort Worth
_____ No. 02-25-00285-CV _____

YVONNE REED, Appellant V.

ALTA MARINE CREEK OWNERS, LLC DBA ALTA MARINE CREEK,

Appellee On Appeal from County Court at Law No. 1 Tarrant County, Texas Trial Court No. 2025-003574-1 Before Wallach, J.; Sudderth, C.J.; and Walker, J. Per Curiam Memorandum Opinion

MEMORANDUM OPINION AND JUDGMENT

Appellant’s brief was originally due on November 6, 2025. On November 19, 2025, we notified Appellant that her brief had not been filed as the appellate rules require and that we could dismiss the appeal for want of prosecution unless, within ten days, she filed with the court an appellant’s

brief and an accompanying motion reasonably explaining the brief's untimely filing and why an extension was needed. See Tex. R. App. P. 10.5(b), 38.6(a), 38.8(a)(1), 42.3(b). Appellant did not file a brief, but she filed a response that we construed as a motion for extension of time to file the brief. We granted her motion and ordered her brief due by January 16, 2026. Appellant did not file a brief. On January 21, 2026, we once again notified Appellant that her brief had not been filed as the appellate rules require and cautioned her that we could dismiss the appeal for want of prosecution unless, within ten days, she filed with the court an appellant's brief and an accompanying motion reasonably explaining the brief's untimely filing and why an extension was needed. See Tex. R. App. P. 10.5(b), 38.6(a), 38.8(a)(1), 42.3(b). We have not received a response. Because Appellant has failed to file a brief even after we afforded an opportunity to explain the initial failure, we dismiss the appeal for want of prosecution. See Tex. R. App. P. 38.8(a)(1), 42.3(b), 43.2(f). Per Curiam Delivered: February 12, 2026 2