

FOURTH COURT OF APPEALS OF TEXAS, SAN ANTONIO

Office of the Attorney General v. Blanca De Leon

No. 04-13-00501-CV · No. No. 04-13-00501-CV · Decided February 21, 2014

SUMMARY

The Fourth Court of Appeals of Texas granted in part Blanca De Leon's second motion for an extension of time to file her appellee's brief. The court required the brief to be filed by March 14, 2014, and stated that no further extensions would be granted.

CASE DETAILS

COURT	Fourth Court of Appeals of Texas, San Antonio
WRITING FOR THE COURT	Patricia O. Alvarez
JURISDICTION	Texas
DECIDED	February 21, 2014
DOCKET	No. 04-13-00501-CV
DISPOSITION	other
PROCEDURAL POSTURE	The Texas Court of Appeals considered Appellee Blanca De Leon's second motion for an extension of time to file her appellate brief.
PRECEDENTIAL VALUE	Published appellate order; no reporter citation appears in the source.
PARTIES	Office of the Attorney General v. Blanca De Leon

TOPICS

appellate procedure

civil procedure

PRACTICE AREAS

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether Appellee should receive a second extension of time to file her appellate brief until March 30, 2014.

HOLDINGS

1. The motion for extension of time was granted in part, and Appellee's brief was required to be filed no later than March 14, 2014.
2. If Appellee failed to file the brief by March 14, 2014, the court would set the appeal for submission without an appellee's brief.

KEY QUOTATIONS

"NO FURTHER EXTENSIONS OF TIME TO FILE APPELLEE'S BRIEF WILL BE GRANTED."

"If Appellee fails to file the brief by March 14, 2014, the court will set the appeal for submission without an Appellee's brief."

"In a civil case, the court will accept as true the facts stated [in appellant's brief] unless another party contradicts them."

FACTUAL BACKGROUND

Appellee's appellate brief was originally due on January 13, 2014. The court granted a first extension until February 12, 2014, and Appellee then filed an unopposed second motion seeking an extension until March 30, 2014, which would have resulted in a total extension of seventy-four days.

PROCEDURAL HISTORY

The appeal was taken from the 49th Judicial District Court of Zapata County, Texas, in Trial Court No. 8,248. Appellee's brief was initially due January 13, 2014; the court previously extended the deadline to February 12, 2014. The court granted Appellee's second motion only in part, extending the deadline to March 14, 2014 rather than March 30, 2014.

DISPOSITION

other

CASES CITED

- Jackson v. Tex. Bd. of Pardons & Paroles, No. 01-03-00862-CV, 2008 WL 921035, at *1 n.2 (Tex. App.—Houston [1st Dist.] Apr. 3, 2008, no pet.) (mem. op.)

OPINION

PER CURIAM.

Blanca De Fourth Court of Appeals San Antonio, Texas February 21, 2014 No. 04-13-00501-CV
OFFICE OF THE ATTORNEY GENERAL, Appellant v. Blanca DE LEON, Appellee From the
49th Judicial District Court, Zapata County, Texas Trial Court No. 8,248 Honorable Jose A Lopez,
Judge Presiding ORDER Appellee's brief was originally due on January 13, 2014. See TEX. R.
APP.

P. 38.6(b). This court granted Appellee's first motion for extension of time to file the brief until February 12, 2014. On February 19, 2014, Appellee filed an unopposed second motion for extension of time to file the brief until March 30, 2014, for a total extension of seventy-four days. Appellee's motion for extension of time is GRANTED IN PART. Appellee's brief must be filed with this court not later than March 14, 2014.

See *id.* NO FURTHER EXTENSIONS OF TIME TO FILE APPELLEE'S BRIEF WILL BE GRANTED. If Appellee fails to file the brief by March 14, 2014, the court will set the appeal for submission without an Appellee's brief. See *Jackson v. Tex. Bd. of Pardons & Paroles*, No. 01- 03-00862-CV, 2008 WL 921035, at *1 n.2 (Tex. App.—Houston [1st Dist.] Apr. 3, 2008, no pet.) (mem. op.) (“‘In a civil case, the court will accept as true the facts stated [in appellant’s brief] unless another party contradicts them.’” (alteration in original) (quoting TEX. R. APP.

P. 38.1(g))). _____ Patricia O. Alvarez, Justice IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said court on this 21st day of February, 2014. _____ Keith E. Hottle Clerk of Court