

COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

Sandra Crenshaw v. Limestone County Judge Patrick Simmons

No. 05-23-00827-CV · No. No. 05-23-00827-CV · Decided September 28, 2023

SUMMARY

The Fifth District Court of Appeals at Dallas dismissed Sandra Crenshaw’s appeal from a pre-filing order. The court had requested jurisdictional briefing and warned that the appeal could be dismissed if the briefing was not filed; because Crenshaw did not submit the requested brief, the court dismissed the appeal under Texas Rule of Appellate Procedure 42.3(b) and (c).

CASE DETAILS

COURT	Court of Appeals of Texas, Fifth District at Dallas
WRITING FOR THE COURT	Emily Miskel; Justice Partida-Kipness; Justice Reichel
JURISDICTION	Texas
DECIDED	September 28, 2023
DOCKET	No. 05-23-00827-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant appealed a pre-filing order. The court questioned its jurisdiction, requested jurisdictional briefing, warned that the appeal could be dismissed if the briefing was not filed, and dismissed the appeal after appellant failed to respond.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Sandra Crenshaw v. Limestone County Judge Patrick Simmons

TOPICS

- appellate jurisdiction
- appellate procedure
- civil procedure

PRACTICE AREAS

- Appellate procedure
- Civil procedure

QUESTIONS PRESENTED

- Whether the appeal should be dismissed when the appellate court questioned its jurisdiction, requested jurisdictional briefing, warned appellant that dismissal could follow, and appellant failed to file the

requested brief.

HOLDINGS

1. The appeal was properly dismissed after appellant failed to file the jurisdictional brief requested by the court despite being warned that the appeal was subject to dismissal.

KEY QUOTATIONS

“To date, appellant has not filed the requested brief. Accordingly, we dismiss this appeal.” (at 1)

FACTUAL BACKGROUND

The appeal concerned a pre-filing order. The appellate court questioned whether it had jurisdiction and requested briefing from the parties. Appellant did not file the requested jurisdictional brief by the deadline.

PROCEDURAL HISTORY

The appeal from a pre-filing order was pending before the Fifth District Court of Appeals of Texas at Dallas. On August 25, 2023, the court sent the parties a letter questioning jurisdiction and ordered jurisdictional briefing by September 4, 2023. After appellant failed to file the requested brief despite the warning, the court dismissed the appeal under Texas Rule of Appellate Procedure 42.3(b) and (c).

DISPOSITION

dismissed

OPINION

PER CURIAM.

Dismiss and Opinion Filed September 28, 2023 In The Court of Appeals Fifth District of Texas at Dallas No. 05-23-00827-CV SANDRA CRENSHAW, Appellant V. LIMESTONE COUNTY JUDGE PATRICK SIMMONS, Appellee Appeal from Pre-filing Order MEMORANDUM OPINION Before Justices Partida-Kipness, Reichel, and Miskel Opinion by Justice Miskel On August 25, 2023, we sent a letter to the parties questioning our jurisdiction and requested jurisdictional briefing by September 4, 2023.

In our letter, we warned appellant that the appeal was subject to dismissal without further notice should appellant fail to file the requested jurisdictional brief. To date, appellant has not filed the requested brief.

Accordingly, we dismiss this appeal. See TEX. R. APP. P. 42.3(b)(c). /Emily Miskel/ 230827f.p05 EMILY MISKEL JUSTICE Court of Appeals Fifth District of Texas at Dallas JUDGMENT SANDRA CRENSHAW, Appellant On Appeal from a Pre-filing Order. Opinion delivered by Justice Miskel. No. 05-23-00827-CV V. Justices Partida-Kipness and Reichel participating.

LIMESTONE COUNTY JUDGE PATRICK SIMMONS, Appellee In accordance with this Court's opinion of this date, this appeal is DISMISSED.

Judgment entered this 28th day of September, 2023. –2–