

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Ashlee Walker v. TX Cypress Creek LLC

Walker · No. No. 01-25-01038-CV · Decided April 16, 2026

SUMMARY

The First Court of Appeals of Texas dismissed Ashlee Walker’s appeal for want of prosecution because she failed to file an appellate brief after receiving notice that the brief was overdue. The court also dismissed any pending motions as moot.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Justice Rivas-Molloy; Justice Johnson; Justice Dokupil
JURISDICTION	Court of Appeals for the First District of Texas
DECIDED	April 16, 2026
DOCKET	No. 01-25-01038-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal dismissed for want of prosecution after the appellant failed to file an appellate brief and did not respond to the court's notice or directive.
PRECEDENTIAL VALUE	Published
PARTIES	Ashlee Walker v. TX Cypress Creek LLC

TOPICS

appellate procedure

civil procedure

PRACTICE AREAS

appellate procedure

civil procedure

QUESTIONS PRESENTED

- Whether the appeal should be dismissed for want of prosecution because the appellant failed to file an appellate brief and failed to respond to the court's notice and directive.

HOLDINGS

1. An appeal may be dismissed for want of prosecution when the appellant fails to file an appellate brief and does not respond to the court's notice and directive to cure the default.

FACTUAL BACKGROUND

The opinion identifies no substantive underlying facts because the appeal was dismissed on a procedural ground. Walker failed to file her appellate brief, did not respond to the clerk's notice that the brief was overdue, and did not comply with the court's directive to file the brief and an extension motion.

PROCEDURAL HISTORY

Ashlee Walker appealed from the County Civil Court at Law No. 4 of Harris County, Texas. The appellate clerk notified Walker that her brief was past due and that the appeal was subject to dismissal, and the court directed her to file the brief and a motion for extension within ten days. Walker did not respond, so the court dismissed the appeal for want of prosecution and dismissed pending motions as moot.

DISPOSITION

dismissed

OPINION

PER CURIAM.

Opinion issued April 16, 2026 In The Court of Appeals For The First District of Texas NO. 01-25-01038-CV ASHLEE WALKER, Appellant V. TX CYPRESS CREEK LLC, Appellee On Appeal from the County Civil Court at Law No. 4 Harris County, Texas Trial Court Case No. 1262946 MEMORANDUM OPINION Appellant Ashlee Walker failed to file a brief. See TEX. R. APP. P. 38.6(a), 38.8(a).

On March 26, 2026, the Clerk of this Court notified Appellant that her appellate brief was past due, and her appeal was subject to dismissal. See TEX. R. APP. P. 38.8(a), 42.3(b), 43.2(f). We directed Appellant to file her brief and a motion requesting an extension to file the brief within 10 days of our notice. Appellant did not respond. See TEX. R. APP. P. 42.3(b), (c).

We dismiss the appeal for want of prosecution for failure to file a brief. See TEX. R. APP. P. 38.8(a), 42.3(b)–(c), 43.2(f). We dismiss any pending motions as moot. PER CURIAM Panel consists of Justices Rivas-Molloy, Johnson, and Dokupil. 2