

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Jacquoria Jack v. BP Virtuo LLC

Jack · No. 01-25-00814-CV · Decided June 18, 2026

SUMMARY

The First Court of Appeals of Texas dismissed Jacquoria Jack’s pro se appeal for want of prosecution. The court had struck her noncompliant appellate brief, ordered her to file a corrected brief, and dismissed the appeal after she failed to timely do so.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Chief Justice Adams; Justice Rivas-Molloy; Justice Guiney
JURISDICTION	Court of Appeals for the First District of Texas
DECIDED	June 18, 2026
DOCKET	01-25-00814-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant challenged the trial court's final judgment. After the appellate court struck her noncompliant appellant's brief and ordered a corrected brief, she failed to timely file the corrected brief. The court dismissed the appeal for want of prosecution.
PRECEDENTIAL VALUE	Published opinion; memorandum opinion
PARTIES	Jacquoria Jack v. BP Virtuo LLC

TOPICS

appellate procedure

civil procedure

PRACTICE AREAS

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether the appeal should be dismissed for want of prosecution after the appellant failed to timely file a corrected brief following an order striking the original noncompliant brief.

HOLDINGS

1. When an appellant fails to timely file a corrected brief after the appellate court strikes a noncompliant brief, orders a compliant brief, and provides notice that noncompliance may result in dismissal, the court may dismiss the appeal for want of prosecution.
2. Pending motions associated with an appeal dismissed for want of prosecution are dismissed as moot.

KEY QUOTATIONS

“Because Jack did not timely file her corrected brief, we dismiss the appeal for want of prosecution.” (3)

“When an appellant fails to file a brief, we may dismiss his appeal for want of prosecution.” (3)

FACTUAL BACKGROUND

Jack appealed from an August 27, 2025 final judgment in the County Civil Court at Law No. 2 of Harris County. She proceeded pro se and filed an appellant's brief that failed to satisfy multiple requirements of the Texas Rules of Appellate Procedure. After receiving notice and an opportunity to correct the deficiencies, she failed to timely file the required corrected brief.

PROCEDURAL HISTORY

The County Civil Court at Law No. 2 of Harris County, Texas, entered a final judgment on August 27, 2025. Jack filed an appellant's brief on January 5, 2026. The appellate court struck that brief on May 7, 2026, ordered a compliant corrected brief within thirty days, and warned that failure to comply would result in dismissal. Jack did not timely file the corrected brief, so the court dismissed the appeal for want of prosecution and dismissed pending motions as moot.

DISPOSITION

dismissed

CASES CITED

- Tucker v. Fort Worth & W. R.R. Co., No. 02-19-00221-CV, 2020 WL 3969586, at *1 (Tex. App.—Fort Worth June 18, 2020, pet. denied) (mem. op.)
- Tyurin v. Hirsch & Westheimer, P.C., No. 01-17-00014-CV, 2017 WL 4682191, at *1–2 (Tex. App.—Houston [1st Dist.] Oct. 19, 2017, no pet.) (mem. op.)
- Bennett v. Jenkins, No. 01-21-00557-CV, 2022 WL 3268531, at *1–2 (Tex. App.—Houston [1st Dist.] Aug. 11, 2022, no pet.) (mem. op.)
- Orozco v. Reserve at Pecan Valley Apartments, No. 04-21-00447-CV, 2022 WL 848363, at *1 (Tex. App.—San Antonio Mar. 23, 2022, no pet.)
- In re W.A.F., No. 04-19-00723-CV, 2020 WL 5913842, at *1 (Tex. App.—San Antonio Oct. 7, 2020, no pet.) (mem. op.)
- Averett v. Huffman Indep. Sch. Dist., No. 01-19-00482-CV, 2020 WL 717543, at *1 (Tex. App.—Houston [1st Dist.] Feb. 13, 2020, no pet.) (mem. op.)

OPINION

Jacquoria Jack v. BP Virtuo LLC

PER CURIAM.

Opinion issued June 18, 2026 In The Court of Appeals For The First District of Texas

NO. 01-25-00814-CV

JACQUORIA JACK, Appellant V. BP VIRTUO LLC, Appellee On Appeal from the County Civil Court at Law No. 2 Harris County, Texas Trial Court Case No. 1256813

MEMORANDUM OPINION

Appellant, Jacquoria Jack, proceeding pro se, challenges the trial court's August 27, 2025 final judgment. We dismiss the appeal. On January 5, 2026, Jack filed her appellant's brief with this Court. On May 7, 2026, this Court notified Jack that her appellant's brief did not comply with the Texas Rules of Appellate Procedure because, among other things, it did not contain an appropriate table of contents; contain a proper index of authorities; "state concisely the nature of the case," "the course of [the] proceedings," and "the trial court's disposition of the case," "supported by record references"; "include a statement explaining why oral argument should or should not be permitted"; "state concisely all issues or points presented for review"; "state concisely and without argument the facts pertinent to the issues or points presented," "supported by record references"; "contain a succinct, clear, and accurate statement of the arguments made in the body of the brief"; "contain a clear and concise argument for the contentions made, with appropriate citations to authorities and to the record"; or include an appendix with the necessary contents. See TEX. R. APP. P. 38.1(b), (c), (d), (e), (f), (g), (h), (i), (k). Thus, on May 7, 2026, the Court struck Jack's January 5, 2026 brief and ordered her to file a corrected appellant's brief that complied with the Texas Rules of Appellate Procedure within thirty days of the date of the Court's order. The Court informed Jack that if she did not file a corrected appellant's brief that complied with the Texas Rules of Appellate Procedure, it would strike her corrected brief, prohibit her from filing another, proceed as if she had failed to file an appellant's brief, and 2 dismiss her appeal. See TEX. R. APP. P. 38.8(a)(1), 38.9(a), 42.3(b), 43.2(f); see also *Tucker v. Fort Worth & W. R.R. Co.*, No. 02-19-00221-CV, 2020 WL 3969586, at

*1 (Tex. App.—Fort Worth June 18, 2020, pet. denied) (mem. op.) (striking amended brief and dismissing appeal for want of prosecution where appellant ordered to file amended brief but amended brief also failed to comply with Texas Rules of Appellate Procedure); *Tyurin v. Hirsch & Westheimer, P.C.*, No. 01-17-00014-CV, 2017 WL 4682191, at *1–2 (Tex. App.—Houston [1st Dist.] Oct. 19, 2017, no pet.) (mem. op.) (same). The Court also informed Jack that if she failed to timely file her corrected brief, we would dismiss her appeal. See TEX. R. APP. P. 38.8(a)(1), 42.3, 43.2(f). Jack did not timely file her corrected brief. Because Jack did not timely file her corrected brief, we dismiss the appeal for want of prosecution. See TEX. R. APP. P. 38.8(a)(1), 42.3, 43.2(f); *Bennett v. Jenkins*, No. 01-21-00557-CV, 2022 WL 3268531, at *1–2 (Tex. App.—Houston [1st Dist.] Aug. 11, 2022, no pet.) (mem. op.); *Orozco v. Reserve at Pecan Valley*

Apartments, No. 04-21-00447-CV, 2022 WL 848363, at *1 (Tex. App.—San Antonio Mar. 23, 2022, no pet.) (mem. op.); In re W.A.F., No. 04-19-00723-CV, 2020 WL 5913842, at *1 (Tex. App.—San Antonio Oct. 7, 2020, no pet.) (mem. op.) (after appellate court struck appellant’s brief for failure to comply with Texas Rule of Appellate Procedure 38.1, appellant failed to file amended brief as ordered, and appellate court dismissed appeal for want of prosecution); see also Averett v. Huffman Indep. Sch. 3 Dist., No. 01-19-00482-CV, 2020 WL 717543, at *1 (Tex. App.—Houston [1st Dist.] Feb. 13, 2020, no pet.) (mem. op.) (“When an appellant fails to file a brief, we may dismiss his appeal for want of prosecution.”). We dismiss any pending motions as moot.

PER CURIAM

Panel consists of Chief Justice Adams and Justices Rivas-Molloy and Guiney. 4