

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Yazid Malik Bey v. Quest IRA Inc.

No. 01-19-00683-CV · No. 01-19-00683-CV · Decided March 10, 2020

SUMMARY

The First Court of Appeals of Texas dismissed Yazid Malik Bey’s appeal for want of prosecution because he failed to timely file an appellant’s brief or request an extension. The court also dismissed all pending motions as moot.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Chief Justice Radack; Justice Kelly; Justice Goodman
JURISDICTION	Texas
DECIDED	March 10, 2020
DOCKET	01-19-00683-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from the trial court's final judgment; the appellate court dismissed the appeal for want of prosecution after the appellant failed to file a timely brief.
PRECEDENTIAL VALUE	published
PARTIES	Yazid Malik Bey v. Quest IRA Inc.

TOPICS

[appellate procedure](#)[civil procedure](#)

PRACTICE AREAS

[appellate procedure](#)[civil procedure](#)

QUESTIONS PRESENTED

1. Whether the appeal should be dismissed for want of prosecution because the appellant failed to timely file an appellate brief.

HOLDINGS

1. An appellate court may dismiss an appeal for want of prosecution when the appellant fails to timely file the required brief and does not obtain an extension.

KEY QUOTATIONS

“Accordingly, we dismiss the appeal for want of prosecution.”

“We dismiss all pending motions as moot.”

FACTUAL BACKGROUND

The appeal arose from a final judgment signed by the trial court on September 9, 2019. The appellant's brief was due October 31, 2019, but he did not timely file a brief or request an extension; a subsequent notice warning of possible dismissal was returned undeliverable.

PROCEDURAL HISTORY

The County Civil Court at Law No. 2 of Harris County, Texas, signed a final judgment on September 9, 2019. After the appellant failed to file his brief by the October 31, 2019 deadline, the court of appeals issued a ten-day notice warning that the appeal could be dismissed; the notice was returned undeliverable, and the appellant neither filed a brief nor requested an extension.

DISPOSITION

dismissed

OPINION

Yazid Malik Bey v. Quest Ira Inc

PER CURIAM.

Opinion issued March 10, 2020 In The Court of Appeals For The First District of Texas
NO. 01-19-00683-CV

YAZID MALIK BEY, Appellant V. QUEST IRA INC, Appellee On Appeal from the County Civil Court at Law No. 2 Harris County, Texas Trial Court Case No. 1139364

MEMORANDUM OPINION

This is an appeal from the trial court's final judgment signed on September 9, 2019. Appellant's brief was originally due on October 31, 2019. On November 4, 2019, we issued a notice advising appellant that unless his brief was filed within ten days, we might dismiss the appeal for want of prosecution. The notice sent to appellant at his last known address was returned undeliverable. Appellant has neither timely filed a brief nor requested an extension. See TEX. R. APP. P. 38.8(a)(1) (the appellate court may dismiss for want of prosecution for failure to file appellant's brief). Accordingly, we dismiss the appeal for want of prosecution. See TEX. R. APP. P. 38.8(a)(1), 42.3(b), 43.2(f). We dismiss all pending motions as moot.

PER CURIAM

Panel consists of Chief Justice Radack and Justices Kelly and Goodman. 2

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