

FOURTH COURT OF APPEALS OF TEXAS, SAN ANTONIO

**Richard L. Perez v. Department Stores National Bank, now merged
into Citibank, N.A.**

No. 04-22-00510-CV · No. No. 04-22-00510-CV · Decided January 25, 2023

SUMMARY

The Fourth Court of Appeals of Texas dismissed Richard L. Perez's appeal for want of prosecution after he failed to file an appellant's brief or respond to the court's order requiring a brief and explanation. The court taxed costs of appeal against Perez.

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas MEMORANDUM OPINION No. 04-22-00510-CV Richard L. PEREZ, Appellant v. DEPARTMENT STORES NATIONAL BANK, now merged into Citibank, N.A., Appellee From the County Court at Law No. 3, Bexar County, Texas Trial Court No. 2020CV05057 Honorable David J. Rodriguez, Judge Presiding PER CURIAM Sitting: Rebeca C. Martinez, Chief Justice Liza A. Rodriguez, Justice Lori I. Valenzuela, Justice Delivered and Filed: January 25, 2023 DISMISSED FOR WANT OF PROSECUTION Appellant Richard Perez's brief was due on October 27, 2022.

Neither the brief nor a motion for extension of time was filed. We therefore ordered Perez to file, on or before December 13, 2022, his appellant's brief and a written response reasonably explaining (1) his failure to timely file the brief and (2) why appellee was not significantly injured by his failure to timely file a brief.

We notified Perez that if he failed to file a brief and the written response by the date ordered, this appeal would be dismissed for want of prosecution. See TEX. R. APP. P. 38.8(a); id. 42.3(b), (c). 04-22-00510-CV Perez failed to respond to our order.

Therefore, we dismiss this appeal for want of prosecution. See id. 42.3(a), (c). Costs of appeal are taxed against Perez. PER CURIAM -2-