

COURT OF APPEALS OF TEXAS, SIXTH APPELLATE DISTRICT AT
TEXARKANA

Lewis E. Gibson v. PNC Bank, National Association

Gibson · No. No. 06-25-00076-CV · Decided January 7, 2026

SUMMARY

The Sixth Court of Appeals of Texas at Texarkana dismissed Lewis E. Gibson’s appeal for want of prosecution after he failed to file an appellate brief or respond to the court’s notice regarding the late filing. The dismissal was entered pursuant to Texas Rules of Appellate Procedure 38.8 and 42.3.

CASE DETAILS

COURT	Court of Appeals of Texas, Sixth Appellate District at Texarkana
WRITING FOR THE COURT	Justice Charles van Cleef; Chief Justice Stevens; Justice van Cleef; Justice Rambin
JURISDICTION	Court of Appeals of Texas, Sixth Appellate District at Texarkana
DECIDED	January 7, 2026
DOCKET	No. 06-25-00076-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Gibson appealed from the 202nd District Court of Bowie County, Texas, but failed to file an appellate brief after receiving notice and an opportunity to cure the late filing.
PRECEDENTIAL VALUE	published
PARTIES	Lewis E. Gibson v. PNC Bank, National Association

TOPICS

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

PRACTICE AREAS

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

QUESTIONS PRESENTED

- Whether the appeal should be dismissed for want of prosecution when the appellant failed to file an appellate brief after notice of the delinquency and a warning that the appeal could be dismissed.

HOLDINGS

1. An appeal may be dismissed for want of prosecution when the appellant fails to file an appellate brief after the appellate court provides notice that the brief is late and warns that continued noncompliance may result in dismissal.

FACTUAL BACKGROUND

Lewis E. Gibson timely initiated an appeal from a Bowie County district court judgment. He was proceeding pro se and did not file the required appellate brief by the deadline or after the appellate court gave him additional notice and a final opportunity to comply.

PROCEDURAL HISTORY

Gibson filed a timely notice of appeal on August 25, 2025. After the clerk's record was filed, his pro se appellate brief was due November 7, 2025. The court notified him that the brief was late and warned that failure to file it by December 9, 2025, could result in dismissal. Gibson neither responded nor filed a brief, so the court dismissed the appeal for want of prosecution.

DISPOSITION

dismissed

OPINION

Lewis E. Gibson v. PNC Bank, National Association

PER CURIAM.

In the Court of Appeals Sixth Appellate District of Texas at Texarkana No. 06-25-00076-CV LEWIS E. GIBSON, Appellant V. PNC BANK, NATIONAL ASSOCIATION, Appellee On Appeal from the 202nd District Court Bowie County, Texas Trial Court No. 24C0739-202 Before Stevens, C.J., van Cleef and Rambin, JJ. Memorandum Opinion by Justice van Cleef

MEMORANDUM OPINION

Lewis E. Gibson filed a timely notice of appeal on August 25, 2025. The clerk's record was filed on October 8, 2025. Gibson's pro se appellate brief was due on November 7, 2025. When neither a brief nor a motion to extend time for filing same was received by November 24, 2025, this Court advised Gibson by letter that his brief was late. We also warned Gibson that the failure to file a brief by December 9, 2025, would subject this appeal to dismissal for want of prosecution. See TEX. R. APP. P. 38.8(a)(1), 42.3(b), (c). Gibson did not respond to our communication and did not file an appellate brief. Because we received no response to our letter of November 24, 2025, Gibson's appeal is ripe for dismissal for want of prosecution. Consequently, pursuant to Rules 38.8 and 42.3 of the Texas Rules of Appellate Procedure, we dismiss this appeal for want of prosecution. See TEX. R. APP. P. 38.8(a)(1), 42.3(b), (c). Charles van Cleef Justice Date Submitted: January 6, 2026 Date Decided: January 7, 2026 2

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