

COURT OF APPEALS FOR THE FIFTH DISTRICT OF TEXAS AT DALLAS

Adonis D. Robinson, Tamesha Robinson, and All Other Occupants of 1379 Saltillo Grand Prairie, TX 75051 v. Bank of America, N.A.

No. 05-16-00608-CV · No. No. 05-16-00608-CV · Decided November 7, 2016

SUMMARY

The Fifth District Court of Appeals at Dallas dismissed the appeal because appellants failed to file an overdue brief or an extension motion after being warned that the appeal would be dismissed. The court ordered Bank of America, N.A. to recover its appellate costs from the appellants.

CASE DETAILS

COURT	Court of Appeals for the Fifth District of Texas at Dallas
WRITING FOR THE COURT	Chief Justice Carolyn Wright; Justice Lang-Miers; Justice Stoddart
JURISDICTION	Texas
DECIDED	November 7, 2016
DOCKET	No. 05-16-00608-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal dismissed because appellants failed to file an overdue appellate brief or a motion for extension after being given notice and ten days to comply.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion
PARTIES	Adonis D. Robinson, Tamesha Robinson, All Other Occupants of 1379 Saltillo Grand Prairie, TX 75051 v. Bank of America, N.A.

TOPICS

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

PRACTICE AREAS

[Appellate procedure](#)[Civil procedure](#)[Real estate](#)

QUESTIONS PRESENTED

1. Whether the appeal should be dismissed when appellants fail to file an overdue appellate brief or a motion for extension after notice and an opportunity to comply.

HOLDINGS

1. An appeal may be dismissed when appellants fail to file their overdue brief and an extension motion after the appellate court provides notice and a ten-day opportunity to comply.

KEY QUOTATIONS

“Accordingly, we dismiss this appeal.”

FACTUAL BACKGROUND

The opinion concerns appellants' failure to comply with the appellate briefing deadline. After the court notified appellants that their brief was overdue, appellants did not file the brief, a motion for extension, or any correspondence regarding the status of the brief.

PROCEDURAL HISTORY

The appeal was taken from the County Court at Law No. 1 of Dallas County, Texas, in trial court cause number CC-16-01963-A. The Fifth District Court of Appeals notified appellants that their brief was overdue and directed them to file the brief and an extension motion within ten days. Appellants filed neither document and did not otherwise communicate with the court, so the court dismissed the appeal and assessed appellate costs against appellants.

DISPOSITION

dismissed

OPINION

PER CURIAM.

Dismissed and Opinion Filed November 7, 2016 S In The Court of Appeals Fifth District of Texas at Dallas No. 05-16-00608-CV ADONIS D. ROBINSON, TAMESHA ROBINSON, AND ALL OTHER OCCUPANTS OF 1379 SALTILLO GRAND PRAIRIE, TX 75051, Appellants V. BANK OF AMERICA, N.A., Appellee On Appeal from the County Court at Law No. 1 Dallas County, Texas Trial Court Cause No. CC-16-01963-A MEMORANDUM OPINION Before Chief Justice Wright, Justice Lang-Miers, and Justice Stoddart Opinion by Chief Justice Wright Appellants' brief in this case is overdue.

By postcard dated September 20, 2016, we notified appellants the time for filing their brief had expired. We directed appellants to file both their brief and an extension motion within ten days. We cautioned appellants that failure to file their brief and an extension motion would result in the dismissal of this appeal without further notice.

To date, appellants have not filed their brief, an extension motion, or otherwise corresponded with the Court regarding the status of their brief. Accordingly, we dismiss this appeal. See TEX. R.

APP. P. 38.8(a)(1); 42.3(b)(c). /Carolyn Wright/ CAROLYN WRIGHT CHIEF JUSTICE 160608F.P05 S Court of Appeals Fifth District of Texas at Dallas JUDGMENT ADONIS D. ROBINSON, TAMESHA On Appeal from the County Court at Law ROBINSON, AND ALL OTHER No. 1, Dallas County, Texas OCCUPANTS OF 1379 SALTILLO Trial Court Cause No. CC-16-01963-A.

GRAND PRAIRIE, TX 75051, Appellants Opinion delivered by Chief Justice Wright. Justices Lang-Miers and Stoddart No. 05-16-00608-CV V. participating. BANK OF AMERICA, N.A., Appellee In accordance with this Court's opinion of this date, this appeal is DISMISSED. It is ORDERED that appellee Bank of America, N.A. recover its costs of this appeal from appellants Adonis D. Robinson, Tamesha Robinson, and all other occupants of 1379 Saltillo Grand Prairie, TX 75051.

Judgment entered this 7th day of November, 2016. -2-