

**COURT OF APPEALS FOR THE SECOND APPELLATE DISTRICT OF TEXAS
AT FORT WORTH**

Thomas Flucker v. Skylanding Apartments

Flucker · No. 02-22-00041-CV · Decided June 23, 2022

SUMMARY

The Texas Second Court of Appeals dismissed Thomas Flucker’s appeal in an eviction case. The court granted Skylanding Apartments’ motion to dismiss for want of prosecution because Flucker failed to file a docketing statement, request a reporter’s record, timely file his brief, and respond to court notices and the dismissal motion.

CASE DETAILS

COURT	Court of Appeals for the Second Appellate District of Texas at Fort Worth
WRITING FOR THE COURT	Elizabeth Kerr; Birdwell; Bassel
JURISDICTION	Texas
DECIDED	June 23, 2022
DOCKET	02-22-00041-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from a county court at law judgment awarding Skylanding Apartments possession of residential property, unpaid rent, and trial and appellate attorney's fees. The appellee moved to dismiss the appeal for want of prosecution and failure to comply with appellate-court notices.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Thomas Flucker v. Skylanding Apartments

TOPICS

appellate procedure eviction landlord tenant civil procedure

PRACTICE AREAS

Appellate procedure Eviction Landlord-tenant law Civil procedure

QUESTIONS PRESENTED

1. Whether the appeal should be dismissed for want of prosecution because the appellant failed to comply with appellate deadlines and requirements.
2. Whether the appeal should be dismissed because the appellant failed to respond to appellate-court notices requiring a response or other action within a specified time.

HOLDINGS

1. An appeal may be dismissed for want of prosecution when the appellant fails to comply with appellate deadlines and requirements, including failing to file a required docketing statement and timely brief.
2. An appeal may be dismissed when the appellant fails to respond to appellate-court notices requiring a response or other action within a specified time.

KEY QUOTATIONS

“Because Flucker has failed to prosecute his appeal and because he has failed to respond to our notices requiring a response or other action within a specified time, we grant Skylanding’s motion and dismiss the appeal.” (2)

FACTUAL BACKGROUND

Skylanding Apartments obtained a trial-court judgment awarding it possession of residential property, unpaid rent, and trial and appellate attorney's fees. After filing a notice of appeal, Thomas Flucker repeatedly failed to comply with appellate requirements, including filing a docketing statement, requesting or designating a reporter's record, and filing his brief. He also failed to respond to court notices and to Skylanding's motion to dismiss.

PROCEDURAL HISTORY

The County Court at Law No. 1 of Tarrant County entered judgment for Skylanding Apartments in an eviction case. After Flucker filed a notice of appeal, he failed to file a required docketing statement, request or designate a reporter's record, timely file his brief, or respond to appellate notices and the appellee's dismissal motion. The court of appeals granted the motion and dismissed the appeal.

DISPOSITION

dismissed