

COURT OF APPEALS FOR THE THIRTEENTH DISTRICT OF TEXAS,  
CORPUS CHRISTI–EDINBURG

Maria Luisa O'Connell and Patrick Mores O'Connell v. Rally Credit  
Union F/K/A Navy Army Community Credit Union

No. 13-26-00297-CV · No. 13-26-00297-CV · Decided May 21, 2026

SUMMARY

The Texas Thirteenth Court of Appeals dismissed the appeal for want of prosecution because the appellants failed to arrange payment for the clerk’s record or provide the required proof of payment. The court denied all pending motions as moot.

CASE DETAILS

|                       |                                                                                                                                                                                                   |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals for the Thirteenth District of Texas, Corpus Christi–Edinburg                                                                                                                    |
| WRITING FOR THE COURT | Jenny Cron; Chief Justice Tijerina; Justice West; Justice Cron                                                                                                                                    |
| JURISDICTION          | Texas Court of Appeals, Thirteenth District, Corpus Christi–Edinburg                                                                                                                              |
| DECIDED               | May 21, 2026                                                                                                                                                                                      |
| DOCKET                | 13-26-00297-CV                                                                                                                                                                                    |
| DISPOSITION           | dismissed                                                                                                                                                                                         |
| PROCEDURAL POSTURE    | Appeal dismissed by the court of appeals on its own motion for want of prosecution after appellants failed to arrange payment for the clerk's record and failed to respond to the clerk's notice. |
| PRECEDENTIAL VALUE    | published                                                                                                                                                                                         |
| PARTIES               | Maria Luisa O’Connell, Patrick Mores O’Connell v. Rally Credit Union f/k/a Navy Army Community Credit Union                                                                                       |

TOPICS

- appellate procedure
- civil procedure

PRACTICE AREAS

- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether the appeal should be dismissed for want of prosecution when appellants failed to arrange payment for and secure filing of the clerk's record and failed to respond to the court's notice.

## HOLDINGS

1. An appeal may be dismissed for want of prosecution when the appellant fails to arrange payment for the clerk's record and fails to comply with the appellate court's notice requiring a response or other action within the specified time.

## KEY QUOTATIONS

*“Accordingly, the appeal is dismissed for want of prosecution, and any pending motions are denied as moot.”*  
(2)

## FACTUAL BACKGROUND

The clerk's record in the appeal was due to be filed by April 27, 2026. Appellants had not arranged payment for the record and did not comply with the appellate clerk's ten-day notice requiring payment arrangements and proof of payment.

## PROCEDURAL HISTORY

The clerk's record was due on April 27, 2026. The deputy district clerk reported that appellants had not made arrangements to pay for the clerk's record, and the appellate clerk notified appellants that they had ten days to arrange payment and provide proof or face dismissal. Appellants did not respond or provide the requested documentation, so the court dismissed the appeal and denied pending motions as moot.

## DISPOSITION

dismissed

## CASES CITED

- Mechell v. Discover Bank, No. 13-25-00371-CV, 2025 WL 3482866, at \*1 (Tex. App.—Corpus Christi—Edinburg Dec. 4, 2025, no pet.) (mem. op., not designated for publication)

## OPINION

Maria Luisa O'Connell and Patrick Mores O'Connell v. Rally Credit Union F/K/A Navy Army Community Credit Union

PER CURIAM.

NUMBER 13-26-00297-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

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MARIA LUISA O'CONNELL AND

PATRICK MORES O'CONNELL, Appellants, v.

RALLY CREDIT UNION F/K/A

NAVY ARMY COMMUNITY

CREDIT

UNION,

Appellee.

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ON APPEAL FROM THE 430TH DISTRICT COURT  
OF HIDALGO COUNTY, TEXAS

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### MEMORANDUM OPINION

Before Chief Justice Tijerina and Justices West and Cron Memorandum Opinion by Justice Cron

This cause is before the Court on its own motion. The clerk's record was due to be filed on or before April 27, 2026. See TEX. R. APP. P. 35.1(b). On that date, the Clerk of the Court notified appellants that the deputy district clerk, Rubie Cantu, notified the Court that appellants had failed to make arrangements for payment of the clerk's record. Appellants were notified that unless they made arrangements to pay for the clerk's record and proof of payment was provided to the Court within ten days, the appeal was subject to dismissal for want of prosecution. See *id.* R. 37.3(b). To date, appellants have failed to respond or otherwise provide the requested documentation. Accordingly, the appeal is dismissed for want of prosecution, and any pending motions are denied as moot. See *id.*, R. 42.3(b), (c); see also *Mechell v. Discover Bank*, No. 13-25-00371-CV, 2025 WL 3482866, at \*1 (Tex. App.—Corpus Christi—Edinburg Dec. 4, 2025, no pet.) (mem. op., not designated for publication) (dismissing for want of prosecution because no clerk's record had been filed due to appellant's failure to pay or make payment arrangements, and appellant had failed to comply with a notice from the Clerk of the Court requiring a response or other action within the time specified).

JENNY CRON

Justice Delivered and filed on the 21st day of May, 2026. 2