

COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

Dwight Jones v. Elier Peraza by Its Agent Specialized Property Management Inc.

No. 05-22-00264-CV (Tex. App.—Dallas Oct. 12, 2022) · No. No. 05-22-00264-CV · Decided October 12, 2022

SUMMARY

The Fifth District Court of Appeals at Dallas dismissed Dwight Jones’s appeal because he failed to timely file his appellant’s brief after being given notice and an opportunity to do so. The court relied on Texas Rules of Appellate Procedure 38.8(a)(1) and 42.3(b), (c).

CASE DETAILS

COURT	Court of Appeals of Texas, Fifth District at Dallas
WRITING FOR THE COURT	Justice Dennise Garcia; Justice Myers; Justice Pedersen, III; Justice Garcia
JURISDICTION	Texas
DECIDED	October 12, 2022
DOCKET	No. 05-22-00264-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal dismissed after appellant failed to timely file his appellate brief and failed to respond to the court's notice and warning.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Dwight Jones v. Elier Peraza by Its Agent Specialized Property Management Inc.

TOPICS

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

PRACTICE AREAS

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

QUESTIONS PRESENTED

1. Whether the appeal should be dismissed when appellant fails to timely file an appellate brief after receiving notice and an opportunity to cure the omission.

HOLDINGS

1. An appeal may be dismissed when the appellant fails to timely file the required brief after the appellate court provides notice and an opportunity to cure the failure.

KEY QUOTATIONS

“Accordingly, we dismiss this appeal.” (2)

FACTUAL BACKGROUND

The appeal proceeded without an appellate brief from appellant Dwight Jones. The court notified Jones that he had ten days to file the brief and expressly cautioned that failure to comply would result in dismissal without further notice. Jones neither filed the brief nor otherwise corresponded with the court.

PROCEDURAL HISTORY

Jones appealed from the County Court at Law No. 4 of Dallas County. After Jones failed to timely file his brief, the court directed him by postcard to file it within ten days and warned that failure to do so would result in dismissal. Jones did not file the brief or otherwise communicate with the court, so the court dismissed the appeal.

DISPOSITION

dismissed

OPINION

PER CURIAM.

DISMISS and Opinion Filed October 12, 2022 S In The Court of Appeals Fifth District of Texas at Dallas No. 05-22-00264-CV DWIGHT JONES, Appellant V. ELIER PERAZA BY ITS AGENT SPECIALIZED PROPERTY MANAGEMENT INC., Appellee On Appeal from the County Court at Law No. 4 Dallas County, Texas Trial Court Cause No. CC-22-00289-D MEMORANDUM OPINION Before Justices Myers, Pedersen, III, and Garcia Opinion by Justice Garcia After appellant failed to timely file his brief, we directed appellant by postcard dated September 2, 2022, to file his brief within ten days and cautioned appellant that failure to do so would result in the dismissal of this appeal without further notice.

See TEX. R. APP. P. 38.8(a)(1). To date, appellant has not filed his brief or otherwise corresponded with the Court regarding the status of this appeal. Accordingly, we dismiss this appeal. See TEX. R. APP. P. 38.8 (a)(1); 42.3(b), (c). /Dennise Garcia/ DENNISE GARCIA JUSTICE 220264F.P05 –2– S Court of Appeals Fifth District of Texas at Dallas JUDGMENT DWIGHT JONES, Appellant On Appeal from the County Court at Law No. 4, Dallas County,

Texas No. 05-22-00264-CV V. Trial Court Cause No. CC-22-00289- D. ELIER PERAZA BY ITS AGENT Opinion delivered by Justice Garcia.

SPECIALIZED PROPERTY Justices Myers and Pedersen, III MANAGEMENT INC., Appellee participating. In accordance with this Court's opinion of this date, this appeal is DISMISSED. Judgment entered October 12, 2022 –3–