

FILE COPY

RE: Case No. 22-0789

COA #: 12-21-00203-CV

STYLE: MOSS v. GIBSON

DATE: 1/20/2023

TC#: 369-02-2583

Today the Supreme Court of Texas denied the petition for review in the above-referenced case.

MS. BEVERLY MOSS

NO. 12-21-00203-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

<i>BEVERLY MOSS AND PATRICE JOHNSON, APPELLANTS</i>	§	<i>APPEAL FROM THE 369TH JUDICIAL DISTRICT COURT</i>
<i>V.</i>	§	<i>ANDERSON COUNTY, TEXAS</i>
<i>BILLIE JOE GIBSON, APPELLEE</i>	§	

***MEMORANDUM OPINION
PER CURIAM***

This appeal is being dismissed for want of prosecution. *See* TEX. R. APP. P. 42.3(b).

Appellants, Beverly Moss and Patrice Johnson, perfected this appeal on November 5, 2021. The clerk's record was filed on December 15. Because Appellants failed to make payment arrangements with the court reporter, no reporter's record was filed and the case was ordered submitted on the clerk's record alone. Appellants' brief was due on or before January 14, 2022. We granted three extensions, with the third extension making Appellants' brief due on or before April 27. In that third order granting an extension, we stated that no further extensions would be entertained. Nevertheless, Appellants' counsel filed a fourth extension on April 27, which we overruled but we ordered the brief due by May 16. On May 13, counsel filed a motion to withdraw as attorney, which we granted. Appellants' pro se brief was due by June 1.

On June 7, this Court notified Appellants that the brief was past due. We further notified Appellants that the appeal may be dismissed for want of prosecution unless a motion for extension of time, containing a reasonable explanation for the failure to file a brief and showing that Appellee has not suffered material injury thereby, is filed no later than June 17.

The June 17 deadline has passed and Appellants have not filed a brief, a motion for leave to file a late brief, or a motion for extension of time.¹ Accordingly, we *dismiss* the appeal for *want of prosecution*. See TEX. R. APP. P. 38.8(a)(1), 42.3(b).

Opinion delivered June 30, 2022.

Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.

¹ Pro se litigants are held to the same standards as licensed attorneys and must comply with all applicable rules of procedure; otherwise, pro se litigants would benefit from an unfair advantage over parties represented by counsel. *Muhammed v. Plains Pipeline, L.P.*, No. 12-16-00189-CV, 2017 WL 2665180, at *2 n.3 (Tex. App.—Tyler June 21, 2017, no pet.) (mem. op.).



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

JUNE 30, 2022

NO. 12-21-00203-CV

BEVERLY MOSS AND PATRICE JOHNSON,
Appellants
V.
BILLIE JOE GIBSON,
Appellee

Appeal from the 369th District Court
of Anderson County, Texas (Tr.Ct.No. 369-02-2583)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this Court that this appeal should be dismissed for want of prosecution.

It is therefore ORDERED, ADJUDGED and DECREED by this Court that the appeal be, and the same is, hereby **dismissed for want of prosecution**; and that this decision be certified to the court below for observance.

By *per curiam* opinion.
Panel consisted of Worthen, C.J., Hoyle, J. and Neeley, J.



CHIEF JUSTICE
JAMES T. WORTHEN

CLERK
KATRINA MCCLENNY

TWELFTH COURT OF APPEALS

JUSTICES
BRIAN HOYLE
GREG NEELEY

CHIEF STAFF ATTORNEY
KERI L. HUNT

Monday, July 25, 2022

Mr. Larry G. Coker
210 N Mallard St.
Palestine, TX 75801-2933
* DELIVERED VIA E-MAIL *

Ms. Beverly Moss
Ms. Patrice Johnson
2421 34th Ave North
Texas City, TX 77590

RE: Case Number: 12-21-00203-CV
Trial Court Case Number: 369-02-2583

Style: Beverly Moss and Patrice Johnson
v.
Billie Joe Gibson

You are hereby notified that in the above-described case, the following decision and order was this day made and entered by this Court:

"Appellants' Motion for Rehearing having been duly considered, it is **ORDERED** that said motion be, and hereby is, **OVERRULED.**"

Very truly yours,

By: Katrina McClenny
Katrina McClenny, Clerk