COURT OF APPEALS FOR THE
FIRST DISTRICT OF TEXAS AT HOUSTON

ORDER

Appellate case name: In re Expunction

Appellate case number: 01-17-00021-CV

Trial court case number: 16-DCV-235247

Trial court: 268th District Court of Fort Bend County

On January 9, 2017, this Court received the letter of assignment from the district clerk attaching a copy of the notice of appeal, filed on January 5, 2017, by the pro se appellant, L.M.R., from the final judgment/court's order denying appellant's petition for expunction, signed on December 16, 2016. *See* TEX. R. APP. 26.1; TEX. CODE CRIM. PROC. ANN. art. 55.01(a) (West Supp. 2016). Also on January 9, 2017, the Clerk of this Court sent a "General Information" sheet stating that, among other things, because no post-judgment motion was filed, the appellate records are due to be filed in this Court by February 14, 2017. *See* TEX. R. APP. P. 35.1.

On January 10, 2017, the Clerk of this Court docketed the pro se appellant's motion entitled, "Notice of Appeal and Motion to Reverse Final Judgment By Granting Petition and Order for Expunction, which contains legal arguments. However, "although the expunction statute is located in the Texas Code of Criminal Procedure, an expunction proceeding is civil rather than criminal in nature." *In re Expunction*, 465 S.W.2d 283, 286 (Tex. App.—Houston [1st Dist.] 2015, no pet.) (op. on reh'rg) (citations omitted). Thus, because expunction appeals are civil proceedings, to perfect a notice of appeal, it only should contain the items required under Rule 25.1, as appellant's notice of appeal did. *See* TEX. R. APP. P. 25.1(d). The Clerk of this Court will set appellant's briefing deadline after the records have been filed in this Court. *See id.* 38.6(a) (providing date to file appellant's brief is 30 days after later of date clerk's or reporter's record was filed).

Accordingly, appellant's motion is **DENIED without prejudice** because the legal arguments, and any others, should be raised only in appellant's brief, with appropriate citations to authorities and to the records. *See* TEX. R. APP. P. 38.1(i).

It is so ORDERED.

Judge's signature: /s/ Laura Carter Higley

☒ Acting individually

Date: January 19, 2017