COURT OF APPEALS FOR THE
FIRST DISTRICT OF TEXAS AT HOUSTON

ORDER

Appellate case name: Ex Parte Nii-Otabil Nelson

Appellate case number: 01-17-00152-CR

Trial court case number: 1372073-B

Trial court: 182nd District Court of Harris County

This Court's May 25, 2017 Order had directed appellant's counsel, Alphonsus O. Ezeoke, to file a motion for rehearing addressing this Court's March 28, 2017 Memo Opinion dismissing this appeal for want of jurisdiction, along with a second motion for an extension of time, within ten days of that Order or else appellant's "Opening Brief" would be stricken as non-compliant. *See* TEX. R. APP. P. 38.9(a); *cf. id.* 42.3(c). Appellant has failed to timely respond.

Accordingly, the Court sua sponte **STRIKES** appellant's "Opening Brief" because he failed to timely comply with this Court's Order. *See* TEX. R. APP. P. 38.9(a), 42.3(c). The Clerk of this Court is directed to mark appellant's brief, received on May 19, 2017, as stricken.

It is so ORDERED.

Judge's signature: /s/ Laura C. Higley
☑ Acting individually ☐ Acting for the Court

Date: June 13, 2017