

CAUSE NO. \_\_\_\_\_

_____	§	IN THE DISTRICT COURT OF
	§	
v.	§	_____ COUNTY, TEXAS
	§	
_____	§	33 <sup>rd</sup> JUDICIAL DISTRICT

---

## Court's Fiat and Notice of Intent to Dismiss

---

To All Counsel of record and Pro Se Parties **(by service via regular first class U.S. mail by the Clerk of the Court):**

:

Court records indicate that this case is eligible for dismissal for want of prosecution for the reason(s) set forth below unless the indicated action is taken within the specified deadline:

- The answer date has passed and no answer has been filed in this case and will be dismissed unless a default judgment is signed or an answer is filed.
- It has been on file for more than six months without service of citation being perfected on any defendant and will be dismissed unless all defendants are served.
- The case has not been disposed of within the Time Standards for Disposition of Cases set by the Texas Supreme Court (Rule 6, Rules of Judicial Administration).<sup>1</sup>
- It has been on file for more than eighteen months and is not set for trial and will be dismissed unless either a judgment is signed or a docket control order with a final setting is signed.
- Court records indicate that a notice of bankruptcy has been filed in this case. To avoid unnecessary delay, claims against the bankrupt party will be dismissed unless either the bankrupt party is dismissed, the case is removed to bankruptcy court, or there is filed in this cause a copy of a bankruptcy court order lifting the stay.
- The case was heard on \_\_\_\_\_, 20\_\_\_\_ concerning \_\_\_\_\_  
and an order/judgment thereon has not been tendered for signature by the judge.
- Court records indicate that there was a settlement, TRCP Rule 11 agreement or mediation that was dispositive of the case and no final judgment or order has been tendered for signature by the judge.
- Other: \_\_\_\_\_

**Deadline:** \_\_\_\_\_ days after the date of this order plus three days mailing time.

- If after due diligence the required action as indicated above cannot be accomplished within the deadline specified the Court will consider retention of the case if a verified

motion to retain is filed specifying the due diligence undertaken and generally showing good cause why the cause should not be dismissed. Any such motion must be filed within the deadline. All motions to retain shall be set for [submission / oral hearing] on \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.m.

If a hearing date is needed you may check availability of dates at [www.courts.state.tx.us/district/33rd/webcal.htm](http://www.courts.state.tx.us/district/33rd/webcal.htm) and may submit a request for setting via that website.

If you have any questions regarding this notice, please contact the Court Administrator at (512) 756-5436 or via email to [admin@33rd.courts.state.tx.us](mailto:admin@33rd.courts.state.tx.us). Thank you for your prompt attention to this matter.

Signed on \_\_\_\_\_, 20\_\_\_\_  
\_\_\_\_\_  
Judge Presiding

(The Clerk will please copy the Court Administrator who will calendar the dismissal date).

dwop-notice-universal.wpd

**1. Relevant portions of Rule 6:** Civil jury case other than family law, 18 months from appearance date; civil nonjury case other than family law 12 months from appearance date; contested family law 6 months from appearance date or from the expiration of the waiting period, whichever is later; uncontested family law case 3 months from appearance date or from the expiration of the waiting period, whichever is later; juvenile case (not in detention) within 30 days following filing of the petition, except for good cause shown.