

Opinion filed June 2, 2017



In The  
**Eleventh Court of Appeals**

---

No. 11-06-00252-CV

---

**SHAWN CADY, Appellant**

**V.**

**GARY WAMPOLE, Appellee**

---

---

**On Appeal from the 118th District Court  
Howard County, Texas  
Trial Court Cause No. 43290**

---

---

**MEMORANDUM OPINION**

Appellant, Shawn Cady, filed a notice of appeal in 2006. We abated this appeal in 2008 based upon the parties' joint motion to abate. Pursuant to the parties' request, this appeal was abated pending the outcome of third-party damage litigation. After numerous status inquiries by the clerk of this court, we received a letter in December 2016 from the attorney for Gary Wampole indicating that the third-party litigation had concluded and that he had no objection to this appeal being dismissed. Appellant has not filed a motion to dismiss or otherwise contacted this court in over

five years. Accordingly, on May 19, 2017, this court notified the parties by letter that this court intended to dismiss this appeal for want of prosecution. *See* TEX. R. APP. P. 42.3(b). We also notified the parties that any objection or response to this court's letter must be filed on or before May 30, 2017. We have not received any response to the May 19 letter.

Consequently, we dismiss this appeal for want of prosecution. *See* TEX. R. APP. P. 42.3(b).

PER CURIAM

June 2, 2017

Panel consists of: Wright, C.J.,  
Willson, J., and Bailey, J.