



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 2-09-064-CV

DAVID LEONARD SMITH

APPELLANT

V.

LAVON GRIFFITH SMITH

APPELLEE

FROM THE 367TH DISTRICT COURT OF DENTON COUNTY

MEMORANDUM OPINION¹ AND JUDGMENT

On September 18, 2009, we notified appellant that his brief had not been filed as required by Texas Rule of Appellate Procedure 38.6(a). Tex. R. App. P. 38.6(a). We stated we may dismiss the appeal for want of prosecution unless appellant or any party desiring to continue this appeal filed with the court within ten days a response showing grounds for continuing the appeal. See Tex. R. App. P. 42.3. We have not received a response.

¹ [See](#) Tex. R. App. P. 47.4.

Because appellant's brief has not been filed, we dismiss the appeal for want of prosecution. See Tex. R. App. P. 38.8(a), 42.3(b), 43.2(f).

Appellant shall pay all costs of this appeal, for which let execution issue.

PER CURIAM

PANEL: CAYCE, C.J.; LIVINGSTON and DAUPHINOT, JJ.

DELIVERED: October 15, 2009