



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

NO. 02-12-00192-CV

SEAN ROBERTS

APPELLANT

V.

FOUNTAINHEAD MANAGEMENT,
INC.

APPELLEE

FROM THE COUNTY COURT AT LAW OF COOKE COUNTY

MEMORANDUM OPINION¹ AND JUDGMENT

The trial court signed its final judgment on May 8, 2012. Appellant brought this appeal three days later. We dismiss the appeal for want of prosecution. See Tex. R. App. P. 42.3(c).

On May 15, 2012, through a letter, we notified appellant that we had received his notice of appeal, and we informed him that he had a responsibility to

¹See Tex. R. App. P. 47.4

request the preparation of the reporter's record. See Tex. R. App. P. 34.6(b)(1), 35.3(b)(2). On June 4, 2012, we sent another letter to appellant in which we informed him that he had not requested preparation of a reporter's record; gave him until June 14, 2012, to do so; and stated that if he did not do so, we could consider and decide issues or points that did not require a reporter's record for a decision. See Tex. R. App. P. 37.3(c)(1). Appellant did not request a reporter's record, and we sent him a letter on June 25, 2012, stating that we could consider issues that did not require a reporter's record for review and that his brief was due on July 16, 2012. See *id.*

Appellant did not file his brief by July 16, 2012. On July 27, 2012, we notified appellant that his brief had not been filed, and we informed appellant that his appeal could be dismissed for want of prosecution unless he filed with this court, before August 6, 2012, a motion reasonably explaining the failure to file a brief and the need for an extension. On August 21, 2012, through an order in which we denied a motion filed by appellant, we stated that his brief was due on September 4, 2012, and we again informed him that his appeal could be dismissed for want of prosecution if he failed to file a brief. Appellant did not file a brief by September 4, 2012.

On September 17, 2012, we ordered appellant to file his brief on or before Monday, October 15, 2012, and we notified appellant that no further extensions

would be granted and that his appeal would be dismissed for want of prosecution if he did not timely file the brief.

Appellant still has not filed a brief. We therefore dismiss the appeal for want of prosecution.² See Tex. R. App. P. 38.8(a), 42.3(c), 43.2(f).

PER CURIAM

PANEL: GARDNER, WALKER, and MCCOY, JJ.

DELIVERED: November 1, 2012

²On September 5, 2012, appellant filed a document titled “Appellant’s Objections to Abridgements of Due Process Adversely Impacting Free Speech Points on Appeal.” We construed the document as a motion, and we now deny the motion as moot in light of our dismissal of the appeal.