

NO. 07-03-0283-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL D
OCTOBER 6, 2003

JACKIE D. DILL AND VERGIE ERLENE DILL, APPELLANTS

V.

T.C. INVESTMENTS, II, L.L.C., SUCCESSOR
TO THE SMALL BUSINESS ADMINISTRATION, APPELLEE

FROM THE 237TH DISTRICT COURT OF LUBBOCK COUNTY;
NO. 02-516,522; HONORABLE SAM MEDINA, JUDGE

Before QUINN and REAVIS and CAMPBELL, JJ.

MEMORANDUM OPINION

Appellants Jackie D. Dill and Vergie Erlene Dill filed a notice of appeal challenging the trial court's summary judgment in favor of appellee T.C. Investments, II, L.L.C., Successor to the Small Business Administration. The clerk's record has been filed.

Appellants' brief was due to be filed on or before August 11, 2003, but has yet to be filed, and no motion for extension of time was filed. By letter dated September 9, 2003, this Court notified appellants' counsel, J.A. "Trey" Didway, of the defect and also directed him to reasonably explain the failure to file a brief together with a showing that appellee has not been significantly injured by the delay on or before September 19, 2003. Counsel did not respond and the brief remains outstanding.

Accordingly, we dismiss the appeal for want of prosecution and failure to comply with an order of this Court. See Tex. R. App. P. 38.8(a)(1) and 42.3(b) and (c).

Don H. Reavis
Justice