

NO. 07-04-0397-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL D
FEBRUARY 11, 2005

IN THE MATTER OF THE MARRIAGE OF
MELVIN WAYNE SELLERS AND SHANNON JOYCE KEATING
AND IN THE INTEREST OF PATSY M. SELLERS, A CHILD

FROM THE 3RD DISTRICT COURT OF HENDERSON COUNTY;
NO. 04-056; HONORABLE JIM PARSONS, JUDGE

Before QUINN and REAVIS and CAMPBELL, JJ.

MEMORANDUM OPINION

Appellant Melvin Wayne Sellers perfected this appeal challenging the trial court's order (1) dismissing with prejudice his petition for divorce from Shannon Joyce Keating for insufficient evidence of a common law marriage, (2) dividing the property, and (3) terminating the parent-child relationship between him and Patsy M. Sellers pursuant to his

voluntary affidavit of relinquishment. The clerk's record and reporter's record have been filed.

On December 22, 2004, Vera C. Bennett, counsel for Shannon, was permitted to withdraw as attorney of record, and by order dated January 10, 2005, Samuel M. George, counsel for Melvin, was also permitted to withdraw. This Court notified Melvin by letter that his brief was due November 19, 2004, but had yet to be filed. Melvin was directed to file a response reasonably explaining the failure with a showing that Shannon had not been significantly injured by the delay by January 28, 2005, noting that failure to do so might result in dismissal of the appeal per Rule 38.8(a) of the Texas Rules of Appellate Procedure. Melvin did not respond and the brief remains outstanding.

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

Don H. Reavis
Justice