

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-12-00305-CV

Cory Abernathy, Appellant

v.

David Dire, Appellee

**FROM THE COUNTY COURT AT LAW NO. 1 OF TRAVIS COUNTY
NO. C-1-CV-12-001993, HONORABLE J. DAVID PHILLIPS, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant's notice of appeal was filed in the trial court on March 28, 2012, and the record was filed in this Court in May 2012. We granted appellant's first motion for extension of time to file appellant's brief, making the brief due August 6. On August 6, appellant filed a motion to dismiss the appeal, but the motion was rejected because it lacked a certificate of conference. On August 29, we sent appellant notice that the brief was overdue, noting that a corrected motion had not been filed, and stating that we would dismiss the appeal for want of prosecution if appellant did not respond by September 10. To date, appellant has not filed a brief, a motion for extension of time, or a corrected motion to dismiss or otherwise responded to our notice. We therefore dismiss the appeal for want of prosecution. Tex. R. App. P. 42.3(b).

David Puryear, Justice

Before Justices Puryear, Pemberton and Henson

Dismissed for Want of Prosecution

Filed: October 4, 2012