



NUMBER 13-09-00081-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

ED CAREY DEVELOPMENT, L.P., ET AL.,

Appellants,

v.

FROST NATIONAL BANK,

Appellee.

**On appeal from the 404th District Court
of Cameron County, Texas.**

MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Rodriguez and Garza
Memorandum Opinion Per Curiam**

The appellants' briefs in the above cause were due on June 29, 2009. On September 15, 2009, the Clerk of the Court notified appellants Ed Carey Development, L.P., Southwest Ed Carey, L.L.C., Anthony de Ponce, Eliud Garcia, Heriberto Gutierrez,

Paulrajan Manoharan, Ruy Mireles, Ramachadran Raju, Fabio Ramos, Jairo Rodriguez, Manuel J. Sanchez and Adrian Gracia that the brief had not been timely filed and that the appeal was subject to dismissal for want of prosecution under Texas Rule of Appellate Procedure 38.8(a)(1), unless within ten days from the date of receipt of this letter, appellants reasonably explained the failure and the appellee was not significantly injured by the appellants' failure to timely file a brief. To date, no response has been received from appellants.

Appellants have failed to either reasonably explain their failure to file a brief, file a motion for extension of time to file their briefs, or file their briefs. Accordingly, the appeal is DISMISSED FOR WANT OF PROSECUTION. See TEX. R. APP. P. 38.8(a), 42.3(b).

PER CURIAM

Memorandum Opinion delivered and
filed this the 5th day of November, 2009.