



NUMBER 13-09-00431-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

HAROLD HIGGINS AND LONNIE HIGGINS,

APPELLANTS,

v.

**MATAGORDA COUNTY AND VAN VLECK
INDEPENDENT SCHOOL DISTRICT, ET AL.,**

APPELLEES.

**On Appeal from the 130th District Court
of Matagorda County, Texas.**

MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Yañez and Vela
Memorandum Opinion Per Curiam**

The appellants' brief in the above cause was due on December 4, 2009.¹ On January 5, 2010, the Clerk of the Court notified appellants that the brief had not been

¹ The brief was originally due on August 24, 2009. This Court subsequently granted appellants three extensions of time to file the brief, extending the due date until December 4, 2009.

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. Appellee DOH Oil Company has filed a motion to dismiss this appeal for want of prosecution.

Appellants have failed to either reasonably explain the failure to file a brief, file a motion for extension of time to file a brief, or file a brief. Accordingly, appellee DOH Oil Company's motion to dismiss is GRANTED and the appeal is DISMISSED FOR WANT OF PROSECUTION. See TEX. R. APP. P. 38.8(a), 42.3(b).

PER CURIAM

Delivered and filed the 11th
day of February, 2010.