

NO. 12-08-00328-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

*NAOMI RUTH CRAWFORD,
APPELLANT*

§ *APPEAL FROM THE 114TH*

V.

§ *JUDICIAL DISTRICT COURT OF*

*LEWIS BARBER, JR. AND
SURETY INSURANCE COMPANY,
APPELLEES*

§ *SMITH COUNTY, TEXAS*

***MEMORANDUM OPINION
PER CURIAM***

This appeal is being dismissed for want of prosecution. *See* TEX. R. APP. P. 42.3(b). Appellant, Naomi Ruth Crawford, perfected her appeal on August 6, 2008. Thereafter, the reporter's record was filed on October 6, 2008, making Appellant's brief due on or before November 5, 2008. When Appellant failed to file her brief within the required time, this court notified her on November 7, 2008 that the brief was past due and warned that if no motion for extension of time to file the brief was filed by November 17, 2008, the appeal would be dismissed for want of prosecution under Texas Rule of Appellate Procedure 42.3(b). The notice further informed Appellant that the motion for extension of time must contain a reasonable explanation for her failure to file the brief and a showing that Appellee had not suffered material injury thereby.

To date, Appellant has neither complied with or otherwise responded to this court's November 7, 2008 notice. Accordingly, we *dismiss* the appeal *for want of prosecution*. *See* TEX. R. APP. P. 38.8(a)(1), 42.3(b).

Opinion delivered November 26, 2008.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(PUBLISH)