

NO. 12-09-00380-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***REGINALD JAMES BANKS,
APPELLANT***

§ APPEAL FROM THE

V.

§ COUNTY COURT AT LAW OF

***WENDALYNN JOANNE BANKS
AND IN THE INTEREST OF D.J.B.,
R.C.B., AND R.J.B.,
CHILDREN***

§ 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, Reginald James Banks, perfected his appeal on November 12, 2009. The record was filed on January 12, 2010, making Appellant's brief due on or before February 11, 2010. When Appellant failed to file his brief by February 11, 2010, this court notified him on February 18, 2010 that the brief was past due. The notice warned that if no motion for extension of time to file the brief was received by March 1, 2010, the appeal would be dismissed for want of prosecution under Texas Rule of Appellate Procedure 42.3(b). Further, the notice informed Appellant that the motion for extension of time must contain a reasonable explanation for his failure to file the brief and a showing that Appellee, Wendalynn Joanne Banks, had not suffered material injury thereby. In response, Appellant filed a motion to extend the time for filing his brief to March 15, 2010, and the motion was granted.

When Appellant did not file his brief by March 15, 2010, this court notified him on March 18, 2010 that the brief was past due. The notice warned that if no motion for extension of time to file the brief was received by March 29, 2010, the appeal would be dismissed for want of prosecution under rule 42.3(b). The notice also informed Appellant that the motion must contain a reasonable explanation for his failure to file the brief and a showing that Appellee had not suffered material injury thereby.

To date, Appellant has neither complied with nor otherwise responded to this court's March 18, 2010 notice. Accordingly, we *dismiss* the appeal *for want of prosecution*. See TEX. R. APP. P. 38.8(a)(1), 42.3.(b).

Opinion delivered May 12, 2010.

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

(PUBLISH)