

NO. 12-09-00397-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

*DWAYNE GILBREATH AND,
PATSY GILBREATH,
APPELLANTS*

§ *APPEAL FROM THE 402ND*

V.

§ *JUDICIAL DISTRICT COURT OF*

*MATTIE STEED AND
PAT BIRMINGHAM,
APPELLEES*

§ *WOOD COUNTY, TEXAS*

*MEMORANDUM OPINION
PER CURIAM*

On November 20, 2009, Appellants Dwayne Gilbreath and Patsy Gilbreath filed a notice of appeal from an order granting a summary judgment, which was signed by the trial court on November 4, 2009. On February 3, 2010, this court notified Appellants that the district clerk's record received in this appeal does not include a final judgment or other appealable order. Therefore, the record does not show that this court has jurisdiction of the appeal. Appellants were further notified that their appeal would be dismissed if the information received in the appeal was not amended on or before February 15, 2010 to show the jurisdiction of this court. The deadline for amendment has passed, and Appellants have neither responded to this court's February 3, 2010 notice or otherwise shown the jurisdiction of this court. Accordingly, the appeal is *dismissed for want of jurisdiction*. See TEX. R. APP. P. 37.2, 42.3.

Opinion delivered February 26, 2010.

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

(PUBLISH)