

NO. 12-13-00138-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

EX PARTE: § *APPEAL FROM THE 173RD*
§ *JUDICIAL DISTRICT COURT*
T.C. § *HENDERSON COUNTY, TEXAS*

MEMORANDUM OPINION
PER CURIAM

This appeal is being dismissed for want of prosecution. *See* TEX. R. APP. P. 42.3(b). The record in this restricted appeal was filed on May 14, 2013, making Appellant's brief due on or before June 13, 2013.¹ When Appellant failed to file its brief by June 13, 2013, this court notified Appellant on June 21, 2013 that the brief was past due. The notice warned that if no motion for extension of time to file the brief was received by July 1, 2013, the appeal would be dismissed for want of prosecution. Further, the notice informed Appellant that the motion for extension of time must contain a reasonable explanation for its 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 June 13, 2013 notice. Accordingly, we *dismiss* the appeal *for want of prosecution*. *See* TEX. R. APP. P. 38.8(a)(1), 42.3(b).

Opinion delivered July 24, 2013.

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

(PUBLISH)

¹ The Texas Department of Public Safety is the appellant.



**COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT**

JULY 24, 2013

NO. 12-13-00138-CV

EX PARTE: T.C.

Appeal from the 173rd Judicial District Court
of Henderson County, Texas. (Tr.Ct.No. 2012A-0888)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this court that since the appellant has filed no brief in this cause, the appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this court that this appeal be, and the same is, hereby **dismissed for want of prosecution**; and that this decision be certified to the trial court below for observance.

*By per curiam opinion.
Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*