

NO. 12-17-00005-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***JEREMY WIMBERLY,
APPELLANT***

§ ***APPEAL FROM THE 60TH***

V.

§ ***JUDICIAL DISTRICT COURT***

***THOMAS J. BURBANK, LCC AND
THOMAS J. BURBANK,
APPELLEES***

§ ***JEFFERSON COUNTY, TEXAS***

***MEMORANDUM OPINION
PER CURIAM***

This appeal is being dismissed for want of prosecution. *See* TEX. R. APP. P. 42.3(b). Appellant, Jeremy Wimberly, perfected his appeal on December 8, 2016. The clerk's record was filed on December 8, 2016 and Wimberly's brief was due on or before January 13, 2017. On January 18, this Court notified Wimberly that his brief was past due. On January 26, Wimberly filed a motion for extension of time to file a brief. We granted Wimberly's motion, making the brief due on or before February 27. On March 2, Wimberly filed a second motion for extension of time to file a brief. On March 8, we granted the motion, which gave Wimberly until April 13 to file a brief. The notice warned that no further extensions would be entertained and that failure to file the brief by the extended deadline may result in dismissal. *See* TEX. R. APP. P. 38.8.

The deadline has passed and Wimberly has failed to file an appellant's brief. Accordingly, we *dismiss* the appeal for *want of prosecution*. *See* TEX. R. APP. P. 38.8(a)(1), 42.3(b).

Opinion delivered April 19, 2017.

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

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

APRIL 19, 2017

NO. 12-17-00005-CV

JEREMY WIMBERLY,

Appellant

V.

THOMAS J. BURBANK, LCC AND THOMAS J. BURBANK,

Appellee

Appeal from the 60th District Court
of Jefferson County, Texas (Tr.Ct.No. B-198,952)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this Court that this appeal should be dismissed for want of prosecution.

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

By *per curiam* opinion.

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