

COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

ALLEGHENY CASUALTY AND	§	No. 08-08-00036-CV
DERRON LIVINGSTON,	§	
	§	Appeal from
Appellants,	§	283rd District Court
v.	§	of Dallas County, Texas
THE STATE OF TEXAS,	§	(TC # F06-67776-T)
Appellee.	§	

MEMORANDUM OPINION

This appeal is before the court on its own motion for determination of whether it should be dismissed for want of prosecution. Finding that the Appellants have failed to file a brief or respond to our inquiry letter, we dismiss the appeal for want of prosecution.

On April 22, 2008, this Court informed Appellants by letter that their brief was past due and no motion for extension of time had been filed. The Court advised Appellants that the appeal would be dismissed unless they responded within ten days and provided a reason why the appeal should be continued. *See* TEX.R.APP.P. 38.8. No reply has been filed.

This Court possesses the authority to dismiss an appeal for want of prosecution when appellant has failed to file his brief in the time prescribed, and gives no reasonable explanation for such failure. TEX.R.APP.P. 38.8(a)(1); *Elizondo v. City of San Antonio*, 975 S.W.2d 61, 63 (Tex.App.--San Antonio 1998, no writ). We have given notice of our intent to dismiss the appeal, requested a response if a reasonable basis for failure to file the brief exists, and have received none. We see no purpose that would be served by declining to dismiss this appeal at this stage of the

proceedings. Pursuant to TEX.R.APP.P. 42.3(b), 42.3(c), and 38.8(a)(1), we dismiss the appeal for want of prosecution.

June 30, 2008

ANN CRAWFORD McCLURE, Justice

Before Chew, C.J., McClure, and Carr, JJ.