

COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
EL PASO, TEXAS

	§	No. 08-08-00295-CV
	§	
IN THE MATTER OF THE	§	Appeal from
	§	
EXPUNCTION OF EVA M. SOLANO.	§	34th District Court
	§	of El Paso County, Texas
	§	(TC # 2007-2727)
	§	

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**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 Appellant has failed to file a brief or respond to our inquiry letter, we dismiss the appeal.

On January 7, 2009, this Court informed Appellant by letter that her brief was past due and no motion for extension of time had been filed. The Court advised Appellant that the appeal would be dismissed unless she 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 do so, 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.

April 2, 2009

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ANN CRAWFORD McCLURE, Justice

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