

COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
EL PASO, TEXAS

WILBUR G. METZ,	§	
	§	No. 08-09-00294-CV
Appellant,	§	Appeal from
v.	§	County Court at Law No 5
MAURICE W. SULLIVAN AND	§	of El Paso County, Texas
KATHRYN G. CROSBY, TRUSTEES OF	§	(TC # 2008-4055)
THE SULLIVAN/CROSBY TRUST,	§	
Appellees.		

**MEMORANDUM OPINION**

This appeal is before the Court on its own motion to determine whether it should be dismissed. Because Appellant has not filed a brief or a motion for extension of time, we dismiss the appeal for want of prosecution.

On March 24, 2011, the Clerk of this Court notified Appellant that his brief was past due and that no motion for extension of time had been received. The Clerk also informed the parties of the Court's intent to dismiss the appeal for want of prosecution unless, within ten days of the notice, a party responded showing grounds to continue the appeal. To this date, no one has responded to the Clerk's letter.

This Court has the authority to dismiss an appeal for want of prosecution when the appellant has failed to file his brief in the time prescribed and gives no reasonable explanation for the failure to do so. 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 pet.). Accordingly, we dismiss the appeal for want of prosecution.

May 11, 2011

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ANN CRAWFORD McCLURE, Justice

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