

COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

IN THE INTEREST OF SELENA
MARGARITA BERRIOS, A CHILD.

§

No. 08-10-00254-CV

§

Appeal from the

§

383rd District Court

§

of El Paso County, Texas

§

(TC# 2005AG5143)

§

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 October 28, 2010, the clerk of this Court notified Appellant that the 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 a 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.

GUADALUPE RIVERA, Justice

November 30, 2010

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