



COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
EL PASO, TEXAS

ONE 2005 LEXUS PASSENGER CAR VIN § No. 08-22-00194-CV  
JTHBA30G550023672 AND DENZELL §  
RODGERS, § Appeal from the  
Appellant, § 142nd Judicial District Court  
v. § of Midland County, Texas  
THE STATE OF TEXAS, § (TC# CV57591)  
Appellee.

**MEMORANDUM OPINION**

This appeal is before the Court on its own motion to determine whether it should be dismissed for want of prosecution. *See* TEX.R.APP.P. 42.3. We find that Appellant has not filed an Appellant's brief, nor has he paid the \$205 filing fee or shown he is excused from paying it. Thus, we dismiss the appeal for want of prosecution.<sup>1</sup>

On October 14, 2022, the Clerk of this Court sent a second request for payment of the required \$205 filing fee. The letter notified Appellant that, pursuant to Texas Rule of Appellate Procedure 42.3, failure to pay the filing fee within twenty days could result in dismissal of the appeal for want of prosecution or for failure to comply with the Clerk's notice requiring a response

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<sup>1</sup> We hear this case on transfer from the Eleventh Court of Appeals in Eastland. *See* TEX. R. APP. P. 41.3.

or action within a specified time. *See* TEX.R.APP.P. 42.3(b), (c). On November 8, 2022, the Clerk of this Court also sent a letter to Appellant notifying him it appeared he no longer wished to pursue this appeal, as neither an Appellant's brief nor a motion for extension of time had been filed. The letter indicated that the Court would submit this case for dismissal within ten days unless any party could show grounds for continuing the appeal.

As of this date, Appellant has not filed an Appellant's brief or a motion for extension of time to file a brief. He has also failed to pay the required filing fee or shown he is excused from paying it. Accordingly, we dismiss this appeal for want of prosecution. *See* TEX.R.APP.P. 42.3(b), (c).

YVONNE T. RODRIGUEZ, Chief Justice

December 12, 2022

Before Rodriguez, C.J., Palafox, and Alley, JJ.