

Opinion filed December 19, 2013



In The

# Eleventh Court of Appeals

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No. 11-13-00134-CV

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**ONE 2003 DODGE RAM AUTOMOBILE VIN  
3D7MA46683G824545, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 385th District Court**

**Midland County, Texas**

**Trial Court Cause No. CV48587**

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## **MEMORANDUM OPINION**

In this case, Christopher E. Smith filed a pro se notice of appeal from a final summary judgment that ordered the forfeiture of Smith's interest in a particular automobile. Smith's appellate brief was originally due for filing on or before September 9, 2013. Smith filed a motion for extension on September 6, 2013, asking for an additional thirty days. This court granted the motion and extended the deadline on the brief to October 9, 2013. This court notified Smith by letter

dated October 25, 2013, that his brief was past due and, on our own motion, extended the deadline to November 11, 2013. We also informed Smith that this case would be subject to dismissal absent a timely filed brief. *See* TEX. R. APP. P. 38.8. As of today's date, Smith has yet to file a brief or a second motion for extension. Consequently, we dismiss this appeal based upon Smith's failure to prosecute the appeal. TEX. R. APP. P. 38.8(a)(1), 42.3.

The appeal is dismissed for want of prosecution.

PER CURIAM

December 19, 2013

Panel consists of: Wright, C.J.,  
Willson, J., and Bailey, J.