

DISMISS; Opinion filed January 8, 2013



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-12-01056-CV

MILAD NASRALLAH, SR. AND DOWDY FERRY AUTO SERVICES, INC., Appellants

V.

JIM FOSTER, Appellee

On Appeal from the 298th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-09-16681

MEMORANDUM OPINION

Before Chief Justice Wright and Justices Francis and Lang-Miers
Opinion By Chief Justice Wright

Before the Court is appellee's December 7, 2012 motion to dismiss the appeal. Appellee contends the appeal should be dismissed for failure to prosecute. By letter dated October 5, 2012, the Court informed appellants that their brief was past due. We instructed appellants to file their brief with an extension motion within ten days. The Court cautioned appellants that failure to file their brief within the time requested would result in dismissal of their appeal. *See* TEX. R. APP. P. 38.8(a)(1).

As of today's date, appellants have not filed a brief. Accordingly, we grant appellee's motion and dismiss the appeal for want of prosecution. *See* TEX. R. APP. P. 42.2(b) & (c).


CAROLYN WRIGHT
CHIEF JUSTICE



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

MILAD NASRALLAH, SR. AND DOWDY
FERRY AUTO SERVICES, INC., Appellants

No. 05-12-01056-CV V.

JIM FOSTER, Appellee

Appeal from the 298th Judicial District Court
of Dallas County, Texas. (Tr.Ct.No. DC-09-
16681).

Opinion delivered by Chief Justice Wright,
Justices Francis and Lang-Miers,
participating.

Based on the Court's opinion of this date, the appeal is **DISMISSED**.

It is **ORDERED** that appellee, Jim Foster, recover his costs of the appeal from appellants,
Milad Nasrallah, Sr. and Dowdy Ferry Auto Services, Inc.

Judgment entered January 8, 2013.


CAROLYN WRIGHT
CHIEF JUSTICE