

Dismiss; and Opinion Filed February 17, 2016.



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

No. 05-15-00566-CV

**KELVIN SMITH AND ANGELIA SMITH, Appellants
V.
CONN APPLIANCES, INC. D/B/A CONN'S, Appellee**

**On Appeal from the 134th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-14-14173**

MEMORANDUM OPINION

Before Justices Fillmore, Myers, and Whitehill
Opinion by Justice Myers

Appellants' brief in this case is overdue. By postcard dated October 30, 2015, we notified appellants the time for filing their brief had expired. We directed appellants to file both their brief and an extension motion within ten days. We expressly cautioned appellants that failure to file a brief and an extension motion would result in the dismissal of this appeal without further notice. By order dated October 30, 2015, we granted appellants' October 16, 2015 motion to extend time to file their brief and ordered appellants' brief filed by November 30, 2015. To date, appellants have not filed their brief or otherwise corresponded with the Court regarding the status of this appeal.

Accordingly, we dismiss this appeal. *See* TEX. R. APP. P. 38.8(a)(1); 42.3(b)(c).

/Lana Myers/
LANA MYERS
JUSTICE

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

JUDGMENT

KELVIN SMITH AND ANGELIA SMITH,
Appellants

No. 05-15-00566-CV V.

CONN APPLIANCES, INC. D/B/A
CONN'S, Appellee

On Appeal from the 134th Judicial District
Court, Dallas County, Texas

Trial Court Cause No. DC-14-14173.

Opinion delivered by Justice Myers. Justices
Fillmore and Whitehill participating.

In accordance with this Court's opinion of this date, we **DISMISS** the appeal.

We **ORDER** that appellee Conn Appliances, Inc. d/b/a Conn's recover its costs, if any, of this appeal from appellants Kelvin Smith and Angelia Smith.

Judgment entered this 17th day of February, 2016.