

Dismissed and Opinion Filed May 26, 2016



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-15-01137-CV

SIMON MENGELE, Appellant

V.

**PC VILLAGE APARTMENT DALLAS & SMITH PROTECTIVE SERVICES, INC.,
Appellees**

**On Appeal from the 192nd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DC-14-14851**

MEMORANDUM OPINION

Before Chief Justice Wright, Justice Lang-Miers, and Justice Stoddart
Opinion by Chief Justice Wright

Simon Mengele appeals the trial court's order dismissing this case for want of prosecution. Appellant's brief was originally due December 28, 2015. When he failed to file his brief, we notified him by postcard and gave him ten days to file a brief with a proper motion to extend time. We cautioned appellant the failure to file a brief and motion could result in his appeal being dismissed.

We subsequently granted appellant's first extension motion, giving him until March 21, 2016 to file a brief. Thereafter, we granted his second and third extension motions, extending the time for filing his brief until May 23, 2016. In our April 22, 2016 order granting his third motion to extend time to file his brief, we expressly cautioned appellant that we would dismiss the appeal without further notice if his brief was not filed by May 23. *See* TEX. R. APP. P.

38.8(a)(1), 42.3(b),(c). Nevertheless, appellant did not file a brief, but rather filed a fourth motion seeking additional time to file his brief. We deny appellant's motion.

We dismiss this appeal. *See* TEX. R. APP. P. 38.8(a)(1), 42.3(c).

/Carolyn Wright/

CAROLYN WRIGHT
CHIEF JUSTICE

151137F.P05



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

JUDGMENT

SIMON MENGELE, Appellant

No. 05-15-01137-CV V.

PC VILLAGE APARTMENT DALLAS &
SMITH PROTECTIVE SERVICES, INC.,
Appellees

On Appeal from the 192nd Judicial District
Court, Dallas County, Texas
Trial Court Cause No. DC-14-14851.
Opinion delivered by Chief Justice Wright,
Justices Lang-Miers and Stoddart
participating.

In accordance with this Court's opinion of this date, the appeal is **DISMISSED**.

It is **ORDERED** that appellees PC VILLAGE APARTMENT DALLAS & SMITH PROTECTIVE SERVICES, INC. recover their costs, if any, of this appeal from appellant SIMON MENGELE.

Judgment entered May 26, 2016 .