

DISMISS; and Opinion Filed November 27, 2018.



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

No. 05-17-01428-CV

**ERIN FENNESSY, Appellant
V.
HOUSTON DAYTON, Appellee**

**On Appeal from the 256th Judicial District Court
Dallas County, Texas
Trial Court Cause No. DF-15-00635**

MEMORANDUM OPINION

Before Justices Lang, Evans, and Boatright
Opinion by Justice Boatright

Appellant's brief in this case is overdue. An appellate court may dismiss an appeal on its own initiative if, after giving ten days' notice to all parties, the appellant fails to comply with a notice from the clerk requiring certain action within a specified time. TEX. R. APP. P. 42.3(c). By postcard dated June 6, 2018, we notified appellant that the time for filing her brief had expired. We directed appellant to file a brief and an extension within ten days. We cautioned appellant that failure to file a brief and an extension motion would result in the dismissal of this appeal without

further notice. Appellant failed to file a brief and an extension of time. Accordingly, we dismiss this appeal.

/Jason Boatright/
JASON BOATRIGT
JUSTICE

171428F.P05



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

JUDGMENT

ERIN FENNESSY, Appellant

No. 05-17-01428-CV V.

HOUSTON DAYTON, Appellee

On Appeal from the 256th Judicial District
Court, Dallas County, Texas

Trial Court Cause No. DF-15-00635.

Opinion delivered by Justice Boatright.

Justices Lang and Evans participating.

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

Judgment entered this 27th day of November, 2018.