

**DISMISS and Opinion Filed December 20, 2018**



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

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**No. 05-18-00713-CV**

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**LACY HARBER, Appellant**

**V.**

**GERARDUS SMITH, Appellee**

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**On Appeal from the 15th Judicial District Court  
Grayson County, Texas  
Trial Court Cause No. CV-18-0679**

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**MEMORANDUM OPINION**

Before Chief Justice Wright, Justice Evans, and Justice Brown  
Opinion by Chief Justice Wright

Appellant's brief in this case is overdue. By orders dated October 2, 2018 and October 4, 2018, we granted appellant's counsels' motions to withdraw and extended the time to file appellant's brief until November 19, 2018. By postcard dated November 21, 2018, we notified appellant the time for filing his brief had expired. We directed appellant to file a brief and an extension motion 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. To date, appellant has not filed his brief nor otherwise corresponded with the Court regarding the status of this appeal.

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

/Carolyn Wright/  
CAROLYN WRIGHT  
CHIEF JUSTICE

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

**JUDGMENT**

LACY HARBER, Appellant

No. 05-18-00713-CV      V.

GERARDUS SMITH, Appellee

On Appeal from the 15th Judicial District  
Court, Grayson County, Texas  
Trial Court Cause No. CV-18-0679.  
Opinion delivered by Chief Justice Wright.  
Justices Evans and Brown participating.

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

It is **ORDERED** that appellee GERARDUS SMITH recover his costs of this appeal from appellant LACY HARBER.

Judgment entered December 20, 2018