

**Opinion issued March 31, 2011**



**In The  
Court of Appeals  
For The  
First District of Texas**

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**NO. 01-07-01041-CV**

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**DON MCCAFFETY, Appellant**

**V.**

**MANJI MAREDIA, Appellee**

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**On Appeal from the County Civil Court at Law Number Two  
Harris County, Texas  
Trial Court Case No. 847037**

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**MEMORANDUM OPINION**

This appeal has been pending since November 2007. In July 2008, the appeal was abated due to bankruptcy. The bankruptcy proceeding was dismissed in January 2009. After notice to the parties, to which the Court received no response,

we reinstated and dismissed the appeal for want of prosecution on May 28, 2009. *See* TEX. R. APP. P. 42.3 (b) (providing that appellate courts may dismiss appeal for want of prosecution after giving notice to all parties). However, appellant filed a motion for rehearing requesting that the Court withdraw its opinion and judgment of May 28, 2009 and reinstate the appeal, which we granted. The appeal was again reinstated in September 2009.

After rehearing was granted, appellant still failed to file an appellant's brief. The Clerk of this Court again sent the parties notice that appellant's brief had not been filed and the case could be dismissed for want of prosecution anytime after ten days from the date of the notice. Appellant filed a motion for extension of time to file his brief, which we granted, giving appellant until February 21, 2010 to file his brief. Appellant did not file a brief. Appellant ultimately filed a second suggestion of bankruptcy, but public records demonstrate that the bankruptcy referenced by appellant was dismissed by the bankruptcy court in November 2010. We sent appellant another notice that his appellant's brief had not been filed and his appeal could be dismissed for want of prosecution anytime after ten days from the date of the notice. *See* TEX. R. APP. P. 38.8(a); 42.3(b). In response, appellant did not file a brief but did file a request for an extension of additional time to file his brief. The reasons provided by appellant as necessitating more time do not

justify further extension of this appeal after over three years pending without an appellant's brief.

Appellant's motion for extension of time to file appellant's brief is denied.

This appeal is dismissed for want of prosecution.

**PER CURIAM**

Panel consists of Chief Justice Radack and Justices Alcala and Bland.