

Opinion issued February 15, 2011



In The
Court of Appeals
For The
First District of Texas

NO. 01-09-00137-CV

LIZZIE LOVALL, WEBSTER LOVALL, AND KEITH L. SHAW, Appellants

V.

GOW-MING CHAO AND CHIA-LE CHAO, Appellees

**On Appeal from the 270th District Court
Harris County, Texas
Trial Court Cause No. 0672152**

MEMORANDUM OPINION

Appellants, Lizzie Lovall, Webster Lovall, and Keith L. Shaw, have failed to timely file a brief. *See* TEX. R. APP. P. 38.8(a) (failure of appellant to file brief).

Generally, an appellant's brief is due 30 days after the complete record has been filed. *See* TEX. R. APP. P. 38.6. When, as here, no reporter's record has been

filed due to the “fault” of the appellants, the appeal may move forward without the reporter’s record. *See* TEX. R. APP. P. 37.3(c).

The Court has issued numerous notices and orders in this case, requiring appellants to file their brief and advising that the Court may dismiss the appeal without further notice if no brief is filed by the deadline. *See* TEX. R. APP. P. 42.3(b) (allowing involuntary dismissal of case). In addition, the Court has granted three extensions of time to file the brief. Appellants’ fourth request for an extension to file their brief was denied, as was their motion for en banc reconsideration. Appellants still have not filed a brief.

Accordingly, we dismiss the appeal for want of prosecution.

We dismiss any pending motions as moot.

PER CURIAM

Panel consists of Justices Jennings, Higley, and Brown.