

Opinion issued November 17, 2011.



In The
Court of Appeals
For The
First District of Texas

NO. 01-10-01017-CV

MARK GALBREATH AVERY, Appellant

V.

ROSAMOND DAVIS, Appellee

On Appeal from the 295th District Court
Harris County, Texas
Trial Court Cause No. 2009-52480

MEMORANDUM OPINION

Appellant, Mark Galbreath Avery, has failed to timely file a brief. *See* TEX. R. APP. P. 38.8(a) (failure of appellant to file brief). After being notified that this appeal was subject to dismissal, appellant did not adequately respond. *See* TEX. R.

APP. P. 42.3(b) (allowing involuntary dismissal of case).

We dismiss the appeal for want of prosecution for failure to timely file a brief.

We dismiss any pending motions as moot.

PER CURIAM

Panel consists of Justices Keyes, Higley, and Massengale.