

Dismissed and Memorandum Opinion filed May 15, 2012.



In The

Fourteenth Court of Appeals

NO. 14-12-00079-CV

MARCUS MARQUIS PRUITT, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 180th District Court
Harris County, Texas
Trial Court Cause No. 1201763**

MEMORANDUM OPINION

This is an appeal from the December 15, 2011 denial of appellant's motion for the return of seized property.¹ The clerk's record was filed February 9, 2012. No reporter's record was taken in the court below. Appellant's brief was due March 12, 2012, but it was

¹ Appellant was convicted of possession of between four and 200 grams of cocaine with the intent to deliver and sentenced to thirty-five years in prison. *See Pruitt v. State*, 2011 WL 2120116, No. 14-10-00357-CR (Tex. App.—Houston [14th Dist.] May 24, 2011, pet. ref'd) (not designated for publication). This court affirmed his conviction. *Id.* According to his motion, \$901 was seized from appellant when he was arrested, and the State has not instituted forfeiture proceedings. *See* Tex. Code Crim. Proc. art. 59.01—.14. Appellant seeks return of the money seized at his arrest. Cases under article 59 proceed as civil actions. Tex. Code Crim. Proc. art. 59.05(b).

not filed. On March 14, 2012, this court notified appellant that his brief was past due. Appellant did not file a brief, motion for extension of time to file his brief, or any other response to the court's notice.

On April 17, 2012, this court issued an order stating that unless appellant filed a brief on or before April 30, 2012, the court would dismiss the appeal for want of prosecution. *See* Tex. R. App. P. 42.3(b). Appellant filed no response.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Justices Frost, Seymore, and McCally.