

**Appeal Dismissed and Memorandum Opinion filed October 26, 2017.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-17-00356-CV**

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**DONALD E. KILPATRICK, Appellant**

**V.**

**NOBLE CAPITAL SERVICING LLC, Appellee**

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**On Appeal from County Civil Court at Law No. 3  
Harris County, Texas  
Trial Court Cause No. 1088694**

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**M E M O R A N D U M    O P I N I O N**

This is an appeal from a judgment signed February 22, 2017.

The clerk's record was filed May 8, 2017. No reporter's record has been filed in this case. The court reporter informed this court that appellant has not made arrangements to pay for the reporter's record. On June 21, 2017, the clerk of this court notified appellant that we would consider and decide those issues that do not require a reporter's record unless appellant, within 15 days of notice, provided this court with proof that he had requested the record and paid or made arrangements to

pay for the record. *See* Tex. R. App. P. 37.3(c). Appellant filed no response.

On August 8, 2017, the court ordered appellant to file a brief by September 7, 2017. We cautioned that if appellant failed to comply with our order, we would dismiss the appeal for want of prosecution. *See* Tex. R. App. P. 42.3(b). No brief was filed.

Hurricane Harvey struck the Texas coast on August 25, 2017. On August 28, 2017, the Supreme Court of Texas issued Misc. Docket No. 17-9091, an emergency order directing all courts in Texas to consider disaster-related delays as good cause for modifying or suspending all deadlines in any case.

As a result, on September 19, 2017, the court issued another order regarding appellant's brief. We stated that if appellant did not file a brief by October 2, 2017, the court would dismiss the appeal for want of prosecution. *See* Tex. R. App. P. 42.3(b). No brief was filed.

Accordingly, the appeal is dismissed.

PER CURIAM

Panel consists of Justices Jamison, Busby, and Donovan.