

*Court Of Appeals*  
*Fourth Court of Appeals District of Texas*  
*San Antonio*



**MEMORANDUM OPINION**

No. 04-07-00777-CV

**WAVE ENERGY, INC.**, and Jeff Rand,  
Appellants

v.

**RAND ENERGY COMPANY**,  
Appellee

From the 229th Judicial District Court, Jim Hogg County, Texas  
Trial Court No. DC-05-36  
Honorable Alex William Gabert, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Justice  
Phylis J. Speedlin, Justice  
Rebecca Simmons, Justice

Delivered and Filed: August 27, 2008

DISMISSED FOR WANT OF PROSECUTION

Appellants' brief was originally due on May 5, 2008. On May 19, 2008, this court notified appellants' counsel, Mr. James Miller, that the brief was late and asked Mr. Miller to provide a reasonable explanation for the delay no later than May 29, 2008. Neither the brief nor a response has been filed. On June 18, 2008, this court ordered Mr. Miller to file appellants' brief and a motion for extension of time no later than July 14, 2008. Our order also informed Mr. Miller that if the brief was not filed by July 14, 2008 this appeal would be subject to dismissal for want of prosecution. *See* TEX. R. APP. P. 38.8(a). Neither the brief nor a motion for extension of time has been filed.

Accordingly, on July 30, 2008, this court ordered Mr. Miller to show cause in writing, no later than August 8, 2008, why this appeal should not be dismissed for want of prosecution. *See* TEX. R. APP. P. 38.8(a). *See* TEX. R. APP. P. 38.8(a). Mr. Miller did not respond.

Appellee has filed a motion to dismiss this appeal for want of prosecution. In light of appellants' failure to respond to this court's orders, the motion is GRANTED and the appeal is dismissed for want of prosecution. *See* TEX. R. APP. P. 38.8(a)(1), 42.3(b). Costs of appeal are taxed against appellants.

PER CURIAM