

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



MEMORANDUM OPINION

No. 04-08-00245-CV

Michael Joseph **KEARNS**,
Appellant

v.

Sundok Lee **CARAWAY**,
Appellee

From the 131st Judicial District Court, Bexar County, Texas
Trial Court No. 2007-CI-13911
Honorable Barbara Hanson Nellermeoe, Judge Presiding

PER CURIAM

Sitting: Alma L. López, Chief Justice
Catherine Stone, Justice
Steven C. Hilbig, Justice

Delivered and Filed: November 12, 2008

DISMISSED

Michael Joseph Kearns's appellant's brief was originally due July 31, 2008. We granted Kearns extensions until September 29, 2008, to file the brief. The brief was not filed by the due date. Therefore, on October 8, 2008, we ordered Kearns to file, no later than October 20, 2008, his appellant's brief and a written response reasonably explaining his failure to timely file the brief. We further advised Kearns that if he failed to file a brief and the written explanation by the date ordered, we would dismiss the appeal for want of prosecution. *See* TEX. R. APP. P. 38.8(a). Neither have been filed.

We therefore **order** this appeal dismissed for want of prosecution. We further **order** that appellee, Sundok Lee Caraway, recover her costs in this appeal from Michael Joseph Kearns.

PER CURIAM

