

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



MEMORANDUM OPINION

No. 04-09-00643-CV

Kenneth **LUKASIK**, et al.,
Appellants

v.

Adam **MCGRAW** and Wendy McGraw,
Appellees

From the County Court at Law No 3, Bexar County, Texas
Trial Court No. 349514
Honorable David J. Rodriguez, Judge Presiding

PER CURIAM

Sitting: Rebecca Simmons, Justice
Steven C. Hilbig, Justice
Marialyn Barnard, Justice

Delivered and Filed: March 17, 2010

DISMISSED FOR WANT OF PROSECUTION

Appellants' brief was originally due to be filed no later than November 16, 2009. On November 20, 2009, this court granted appellants' motion for extension of time thereby making appellants' brief due to be filed no later than December 16, 2009. On December 28, 2009, after no brief had been filed, this court ordered appellants to show cause why this appeal should not be dismissed for want of prosecution. *See* TEX. R. APP. P. 38.8(a). On January 12, 2010, appellants

filed a response to the show cause order asserting computer problems and seeking an additional thirty days to file the brief.

In accordance with Appellants' request the brief was due to be filed no later than February 11, 2010. As of today's date, no brief has been filed. The appeal is, therefore, dismissed for want of prosecution. *See* TEX. R. APP. P. 38.8(a)(1), 42.3(b).

PER CURIAM