

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



**MEMORANDUM OPINION**

No. 04-12-00306-CV

Olivia **GARCIA**,  
Appellant

v.

Armando D. **GARCIA** and Teresa Garcia-Calderon,  
Appellees

From the Probate Court No. 2, Bexar County, Texas  
Trial Court No. 2011-PC-0276  
Honorable Tom Rickhoff, Judge Presiding

PER CURIAM

Sitting: Catherine Stone, Chief Justice  
Steven C. Hilbig, Justice  
Marialyn Barnard, Justice

Delivered and Filed: August 22, 2012

DISMISSED FOR WANT OF PROSECUTION

Appellant Olivia Garcia's brief was due July 6, 2012. Neither the brief nor a motion for extension of time was filed. On July 27, 2012, we ordered appellant to file, not later than August 6, 2012, her appellant's brief and a written response reasonably explaining her failure to timely file the brief. We advised Garcia that if she failed to file a brief and the written response by the date ordered, we would dismiss the appeal for want of prosecution. *See* TEX. R. APP. P. 38.8(a); *see also* TEX. R. APP. P. 42.3(c) (court may dismiss appeal because appellant has failed to

comply with a court order within the time provided). Appellant has not filed a brief or the written response ordered by the court.

We therefore **order** this appeal dismissed. We further **order** that appellees, Armando D. Garcia and Teresa Garcia-Calderon, recover their costs in this appeal from Olivia Garcia.

PER CURIAM