



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-12-00858-CV

Raymond **GONZALES**,
Appellant

v.

DONALDSON VILLA APARTMENTS,
Appellee

From the County Court at Law No. 3, Bexar County, Texas
Trial Court No. 381824
Honorable David J. Rodriguez, Judge Presiding

PER CURIAM

Sitting: Karen Angelini, Justice
Santee Bryan Marion, Justice
Marialyn Barnard, Justice

Delivered and Filed: December 4, 2013

DISMISSED FOR WANT OF PROSECUTION

On July 31, 2013, we dismissed this appeal for want of prosecution because appellant failed to timely file his brief or respond to our show cause order. On August 12, 2013, appellant filed a motion for rehearing, stating that he had been in jail during the relevant time period. After requesting a response from appellee, we granted appellant's motion for rehearing and withdrew our prior opinion and judgment. We reinstated the appeal on the docket of the court and ordered appellant to file his brief on or before October 16, 2013. When appellant failed to file his brief, we ordered appellant to file, on or before November 7, 2013, his appellant's brief and a written

response reasonably explaining (1) his failure to timely file the brief and (2) why appellee was not significantly injured by his failure to timely file a brief. We warned that if appellant 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) (allowing involuntary dismissal if appellant has failed to comply with a court order). Appellant has failed to respond to our order. We therefore dismiss this appeal for want of prosecution.

PER CURIAM