



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-15-00306-CV

Cynthia L. **BARKMAN** and Charles N. Barkman,
Appellants

v.

USAA FEDERAL SAVINGS BANK,
Appellee

From the County Court at Law No. 3, Bexar County, Texas
Trial Court No. 2015CV01936
Honorable Jason Wolff, Judge Presiding

PER CURIAM

Sitting: Patricia O. Alvarez, Justice
Luz Elena D. Chapa, Justice
Jason Pulliam, Justice

Delivered and Filed: October 28, 2015

DISMISSED FOR WANT OF PROSECUTION

Appellants' brief was due on August 5, 2015. *See* TEX. R. APP. P. 38.6(a). On August 24, 2015, after neither a brief nor a motion for extension of time was timely filed, we ordered Appellants to show cause in writing by September 3, 2015, why this appeal should not be dismissed for want of prosecution. *See id.* R. 38.8(a), 42.3(b), (c). On September 4, 2015, Appellants filed a brief. Appellants' brief did not contain any citations to the record in either the statement of facts or argument sections. *Contra id.* R. 38.1(g), (i). We struck Appellants' brief and ordered

Appellants Cynthia L. Barkman and Charles N. Barkman to file an amended brief no later than September 28, 2015.

On October 9, 2015, after no amended brief or motion for extension of time to file an amended brief was filed, we again ordered Appellants to file their amended brief and show cause in writing not later than October 19, 2015, why this appeal should not be dismissed for want of prosecution. *See id.* R. 38.8(a). We cautioned Appellants that if they failed to file an amended brief and show cause as ordered, we would dismiss this appeal without further notice. *See id.* R. 42.3(b), (c); *Herrera v. Tex. State Bd. of Plumbing Examiners*, No. 04-13-00870-CV, 2015 WL 4116135, at *1 (Tex. App.—San Antonio July 8, 2015, no pet.) (mem. op.); *Newman v. Clark*, 113 S.W.3d 622, 623 (Tex. App.—Dallas 2003, no pet.) (per curiam).

To date, Appellants have not filed an amended brief or a motion for extension of time to file an amended brief. Therefore, we dismiss this appeal for want of prosecution. *See* TEX. R. APP. P. 38.8(a)(1), 42.3(b). Appellee's motion for sanctions is denied.

PER CURIAM