



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

**MEMORANDUM OPINION**

No. 04-17-00395-CV

James Willie **MYART**,  
Appellant

v.

**REFUGIO PLACE APARTMENTS**,  
Appellee

From the County Court at Law No. 10, Bexar County, Texas  
Trial Court No. 2017CV02638  
Honorable Karen Crouch, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice  
Luz Elena D. Chapa, Justice  
Irene Rios, Justice

Delivered and Filed: November 8, 2017

DISMISSED FOR WANT OF PROSECUTION

Appellant filed a notice of appeal complaining of a final judgment. Appellant's brief was originally due September 21, 2017, but neither the brief nor a motion for extension of time was filed. On October 4, 2017, we ordered appellant to file, not later than October 16, 2017, the appellant's brief and a written response reasonably explaining appellant's failure to timely file the brief. We advised appellant that we would dismiss the appeal for want of prosecution if the brief and the written response were not filed by the date ordered. *See* TEX. R. APP. P. 38.8(a); *see also id.* R. 42.3(b), (c) (court may dismiss an appeal for want of prosecution or when the appellant fails

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 dismiss this appeal. *See id.* R. 38.8(a)(1), 42.3(b), (c).

PER CURIAM