



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

**MEMORANDUM OPINION**

No. 04-19-00114-CV

James **MCKINNON**,  
Appellant

v.

**BANK OF AMERICA, N.A.**,  
Appellee

From the County Court, Gillespie County, Texas  
Trial Court No. 1638  
Honorable Mark Stroehrer, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice  
Beth Watkins, Justice  
Liza A. Rodriguez, Justice

Delivered and Filed: August 14, 2019

DISMISSED FOR WANT OF PROSECUTION

Appellant James F. McKinnon appeals the trial court's judgment signed on January 31, 2019. Appellant filed his appellant's brief on April 10, 2019, followed by an amended brief on April 22, 2019. After reviewing the amended brief, we struck it for failing to comply with the Texas Rules of Appellate Procedure and ordered appellant to file a second amended brief on or before June 17, 2019. *See* TEX. R. APP. P. 38.9(a). Neither a second amended brief nor a motion for extension of time was filed. On July 9, 2019, we ordered appellant to file the second amended brief on or before July 19, 2019. We cautioned appellant that if he did not file a brief by that date,

we would dismiss the appeal for want of prosecution. *See id.* R. 38.8(a). Appellant has not filed a brief.

We therefore order this appeal dismissed for want of prosecution. We further order that appellee, Bank of America, N.A., recover its costs of this appeal from appellant, James McKinnon.

PER CURIAM