

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-09-00296-CV**

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**ANTHONY LEON SUMMERS, Appellant**

**V.**

**UTMB EMPLOYEES, ET AL., Appellees**

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**On Appeal from the 172nd District Court  
Jefferson County, Texas  
Trial Cause No. A-179,002**

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**MEMORANDUM OPINION**

Anthony Leon Summers filed a notice of appeal but failed to file a brief. On November 3, 2009, we notified Summers that the brief had not been filed and warned that failure to file a brief could result in a dismissal of the appeal for want of prosecution. Summers requested and was granted a final extension but failed to file a brief. On January 21, 2010, we notified Summers that the appeal would be submitted to the Court without oral argument. *See* TEX. R. APP. P. 39.8. In the absence of a brief assigning error for appellate

review, we dismiss the appeal for want of prosecution. TEX. R. APP. P. 38.8(a)(1); TEX. R. APP. P. 42.3(b).

APPEAL DISMISSED.

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STEVE McKEITHEN  
Chief Justice

Submitted on February 11, 2010  
Opinion Delivered February 18, 2010

Before McKeithen, C.J., Gaultney and Horton, JJ.