

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

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**NO. 09-10-00405-CV**

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**IN THE INTEREST OF T.B.**

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**On Appeal from the 418th District Court  
Montgomery County, Texas  
Trial Cause No. 09-09-08839 CV**

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**MEMORANDUM OPINION**

L.B. filed a notice of appeal from a decree of termination of his parental rights as to his child, T.B. L.B. is represented by retained counsel and has not asserted a claim of indigence on appeal. The brief of the appellant was due to be filed on November 4, 2010, but was not filed. On November 23, 2010, we notified the parties that the brief had not been filed and warned the appellant that his failure to file a brief could result in a dismissal of the appeal for want of prosecution. On January 3, 2011, we notified the parties 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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DAVID GAULTNEY  
Justice

Submitted on January 24, 2011  
Opinion Delivered February 3, 2011

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