

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-13-00495-CV

DOYLE MARTINEZ, Appellant

V.

**LYN N. HAWTHORNE D/B/A CLASSIC CONSIGNMENT AND
SOUTHERN INSURANCE COMPANY, Appellees**

**On Appeal from the 359th District Court
Montgomery County, Texas
Trial Cause No. 12-03-02745 CV**

MEMORANDUM OPINION

Doyle Martinez filed a notice of appeal but failed to file a brief. On July 1, 2014, 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 July 21, 2014, we notified the parties that the appeal would be submitted to the Court without oral argument. *See* Tex. R. App. P. 39.8. “A court of appeals may not reverse a trial court’s judgment in the absence of

properly assigned error.” *San Jacinto River Auth. v. Duke*, 783 S.W.2d 209, 209-10 (Tex. 1990). 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.

LEANNE JOHNSON
Justice

Submitted on August 11, 2014
Opinion Delivered September 4, 2014

Before Kreger, Horton, and Johnson, JJ.