

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

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**NO. 09-15-00180-CV**

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**IVORY JOE LARKIN, Appellant**

**V.**

**JONATHAN THORNBERRY AND CHARLES HAIRGROVE, Appellees**

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**On Appeal from the 284th District Court  
Montgomery County, Texas  
Trial Cause No. 14-07-08146 CV**

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**MEMORANDUM OPINION**

Ivory Joe Larkin filed a trespass to try title suit against Jonathan Thornberry and Charles Hairgrove. Thornberry and Hairgrove answered the suit and made a demand for abstract of title and Hairgrove asserted a counterclaim for adverse possession. Larkin failed to appear for trial and the trial court signed a default judgment that Larkin take nothing and that Hairgrove recover the real property at issue. Larkin filed a notice of appeal. The brief of the appellant was due to be filed on or before August 27, 2015, but Larkin did not file a brief. On September 23,

2015, 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 October 8, 2015, we notified the parties that the appeal would be submitted to the Court without briefs and 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 October 29, 2015  
Opinion Delivered November 5, 2015

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