

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-17-00425-CV

CHRISTIAN STOVER AND MERISSA STOVER, Appellants

V.

JOHN FONT AND AMY FONT, Appellees

On Appeal from the County Court at Law No. 2
Montgomery County, Texas
Trial Cause No. 16-05-05575-CV

MEMORANDUM OPINION

The trial court signed a final judgment on August 21, 2017. Christian Stover and Merissa Stover, appellants, filed a notice of appeal but failed to file a brief. On September 24, 2018, we notified the parties that appellants had received a final extension for their brief, that appellants' brief was past due and had not been filed, and we warned appellants that the appeal would be submitted on the record alone unless we received a brief and motion for extension of time by October 4, 2018. On October 10, 2018, having received no response to the late brief notice, we notified

the parties that the appeal would be submitted to the Court on October 31, 2018, without briefs and without oral argument. *See* Tex. R. App. P. 39.8.

If an appellant fails to timely file a brief, the appellate court may dismiss the appeal for want of prosecution, unless the appellant reasonably explains the failure and the appellee is not significantly injured by the appellant's failure to timely file a brief. *See* Tex. R. App. P. 38.8(a)(1). In this case, appellants failed to assign error for appellate review by filing a brief. Accordingly, we dismiss the appeal for want of prosecution. Tex. R. App. P. 42.3(b).

APPEAL DISMISSED.

HOLLIS HORTON
Justice

Submitted on October 31, 2018
Opinion Delivered November 15, 2018

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