

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-23-00058-CV

EMANUEL BERRY, Appellant

V.

JUAN CUYUCH SIMAJ, Appellee

On Appeal from the County Court at Law No. 1
Jefferson County, Texas
Trial Cause No. 138320

MEMORANDUM OPINION

On February 17, 2023, Emanuel Berry appealed from a final judgment in Trial Cause Number 138320. After perfecting his appeal, however, Berry failed to file a brief.

On July 11, 2023, we notified the parties that Berry had not filed a brief and that his appeal would be submitted without briefs unless, by July 21, 2023, we received a brief in his appeal together with a motion to extend the time he was

allowed to file his brief. We also warned Berry that his appeal could be dismissed for want of prosecution if the appeal was submitted without briefs.

On August 1, 2023, we notified the parties that the appeal would be submitted without briefs and without oral argument on August 22, 2023. *See* Tex. R. App. P. 39.8. In the absence of a brief assigning error for our review, we dismiss Berry's appeal for want of prosecution. *See id.* 38.8(a)(1); *id.* 42.3(b), 43.2(f).

APPEAL DISMISSED.

PER CURIAM

Submitted on August 22, 2023
Opinion Delivered August 31, 2023

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