



**COURT OF APPEALS  
SECOND DISTRICT OF TEXAS  
FORT WORTH**

**NO. 2-08-287-CV**

DENNIS KYLE THURMON

APPELLANT

V.

SKYLINE MOBILE HOME ESTATES;  
UNITED STATES OF AMERICA; CITY  
OF HALTOM CITY, TEXAS; TARRANT  
COUNTY, TEXAS; TARRANT COUNTY  
HOSPITAL DISTRICT; TARRANT COUNTY  
COLLEGE DISTRICT; AND BIRDVILLE  
INDEPENDENT SCHOOL DISTRICT

APPELLEES

-----  
FROM THE 348TH DISTRICT COURT OF TARRANT COUNTY

-----  
**MEMORANDUM OPINION<sup>1</sup> AND JUDGMENT**  
-----

On February 17, 2009, we notified appellant that his brief had not been filed as required by Texas Rule of Appellate Procedure 38.6(a). *See* Tex. R. App. P. 38.6(a). We stated we could dismiss the appeal for want of prosecution unless appellant or any party desiring to continue this appeal filed

---

<sup>1</sup> [See](#) Tex. R. App. P. 47.4.

with the court within ten days a motion reasonably explaining the failure to file a brief and the need for an extension. *See* Tex. R. App. P. 10.5(b)(1), 38.8(a)(1), 42.3. We have not received any response.

Because appellant's brief has not been filed, we dismiss the appeal for want of prosecution. *See* Tex. R. App. P. 38.8(a), 42.3(b), 43.2(f).

Appellee Skyline Mobile Home Estate's March 11, 2009 motion to dismiss appellant's appeal for failure to timely file a brief is denied as moot.

Appellant shall pay all costs of this appeal, for which let execution issue.

PER CURIAM

PANEL: MEIER, J.; CAYCE, C.J.; and LIVINGSTON, J.

DELIVERED: March 19, 2009