



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-19-00198-CV

C. PERRY MARKER D/B/A TEXAS DIRT CONTRACTORS, Appellant

v.

MUSTANG SPECIAL UTILITY DISTRICT AND CITY OAK POINT, Appellees

On Appeal from the 462nd District Court
Denton County, Texas
Trial Court No. 18-11314-16

Before Wallach, J.; Sudderth, C.J.; and Gabriel, J.
Per Curiam Memorandum Opinion

MEMORANDUM OPINION AND JUDGMENT

On October 30, 2019, we notified appellant that its brief had not been filed as the appellate rules require. *See* Tex. R. App. P. 38.6(a). We stated that we could dismiss the appeal for want of prosecution unless, within ten days, appellant filed with the court an appellant's brief and an accompanying motion reasonably explaining the brief's untimely filing and the need for an extension. *See* Tex. R. App. P. 10.5(b), 38.8(a)(1), 42.3(b). We have received no response.

Because appellant has failed to file a brief even after we afforded an opportunity to explain the initial failure, we dismiss the appeal for want of prosecution. *See* Tex. R. App. P. 38.8(a)(1), 42.3(b), 43.2(f).

Appellant must pay all costs of this appeal.

Per Curiam

Delivered: November 27, 2019