

NO. 07-01-0383-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL A
MAY 31, 2002

BARRY L. JOACHIM, D/B/A LUBBOCK MOTOR SPEEDWAY, APPELLANT

V.

DORIS KING, INDEPENDENT EXECUTRIX OF THE ESTATE
OF JIMMY D. KING, DECEASED, APPELLEE

FROM THE 364TH DISTRICT COURT OF LUBBOCK COUNTY;
NO. 99-508,360; HONORABLE BRADLEY UNDERWOOD, JUDGE

Before BOYD, C.J., and REAVIS and JOHNSON, JJ.

Appellant Barry L. Joachim, d/b/a Lubbock Motor Speedway, appealed from a take-nothing summary judgment in his lawsuit for breach of a non-competition clause in a purchase contract, for tortious interference with his clients and the operation of his race track. The clerk's record was filed on February 22, 2002, and appellant previously

informed this court that no reporter's record would be requested. That being so, appellant's brief was due to be filed on March 25, 2002.

To date, we have not received appellant's brief or a motion for extension of time to file one. By letter dated May 16, 2002, we informed appellant that his brief had not been timely filed and, unless a response was received by May 28, 2002, reasonably explaining his failure, together with a showing that appellee had not been significantly injured due to such failure, the appeal would be subject to dismissal for want of prosecution. Tex. R. App. P. 38.8 (a)(1). No response to that letter has been received.

Accordingly, the appeal is hereby dismissed.

Per Curiam

Do not publish.