

NO. 07-02-0112-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL E
FEBRUARY 24, 2005

JOHN J. HINDERER, APPELLANT

V.

NELSON DOMETRIUS, APPELLEE

FROM THE 237TH DISTRICT COURT OF LUBBOCK COUNTY;
NO. 99-507,408; HONORABLE SAM MEDINA, JUDGE

Before REAVIS and CAMPBELL, JJ. and BOYD, S.J.¹

MEMORANDUM OPINION

Pending before this Court is the second motion to dismiss of appellee Nelson Dometrius by which he requests dismissal citing appellant John J. Hinderer's lack of due diligence in pursuing this appeal. By order dated January 20, 2005, we reinstated the

¹John T. Boyd, Chief Justice (Ret.), Seventh Court of Appeals, sitting by assignment.

appeal and notified Hinderera that failure to take any action within 10 days would result in dismissal for want of prosecution. Hinderera did not respond. We grant Dometrius's motion and dismiss the appeal.

Accordingly, this appeal is dismissed for want of prosecution. Tex. R. App. P. 42.3(b).

Don H. Reavis
Justice