

NO. 07-02-0456-CV  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL C  
MARCH 3, 2003

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ROGER LYNN DAVIS,

Appellant

v.

JAMES R. ZELLER,

Appellee

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FROM THE 258<sup>TH</sup> DISTRICT COURT OF POLK COUNTY;

NO. CIV19,795; HON. LEE ALLWORTH, PRESIDING

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

Appellant Roger Lynn Davis filed a notice of appeal on October 7, 2002. The clerk's record was filed on October 29, 2002, and Davis' brief was due to be filed on January 16, 2003. It was not filed, but instead Davis filed a document entitled "Appellant's Request to Abate the Appeal and Request for Extension of Time Within Which to Obtain a Ruling from the District Trial Court on a Postjudgment Request for Finding of Facts and Conclusion of Law." On January 13, 2003, this court denied the motion to abate the appeal and extended the deadline by which appellant was to file his brief to February 21,

2003. We also told him that the failure to file a brief by February 21<sup>st</sup> would result in the dismissal of the appeal for want of prosecution. February 21<sup>st</sup> has lapsed and no brief has been received.

Accordingly, we dismiss the appeal pursuant to Texas Rule of Appellate Procedure 42.3(b) for want of prosecution.

Per Curiam