

NO. 07-03-0243-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL B
OCTOBER 22, 2003

WILLIAM STEED KELLEY, APPELLANT

V.

ORLANDO PEREZ, ET AL., APPELLEES

FROM THE 320TH DISTRICT COURT OF POTTER COUNTY;
NO. 85,219-D; HONORABLE DON EMERSON, JUDGE

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

MEMORANDUM OPINION

William Steed Kelley, appellant, appeals the trial court's order granting defendant's Motion for Summary Judgment, Motion to Dismiss, and Plea to the Jurisdiction. We dismiss the appeal.

Appellant's brief was due no later than August 14, 2003. By letter dated September 29, 2003, we notified appellant that the due date for the brief had passed, that the brief had not been filed and no motion for extension of time to file had been received by the court. Citing Tex. R. App. Proc. 38.8, the letter also notified appellant that the appeal would be subject to dismissal unless a response reasonably explaining his failure to file a brief, together with a showing that the appellee has not been significantly injured by the failure, was submitted by October 13, 2003. Appellant has not filed such a response, nor has he since submitted a brief or a motion for extension of time.

Accordingly, having given all parties more than the required ten days' notice, we dismiss the appeal for want of prosecution. Tex. R. App. Proc. 38.8(a)(1); 42.3(b).

James T. Campbell
Justice