

NO. 07-04-0273-CV  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL A  
AUGUST 31, 2004

---

IN THE MATTER OF ROBERT BURNS MCCALL

---

FROM THE 251st DISTRICT COURT OF POTTER COUNTY;  
NO. 90,595-C; HONORABLE PATRICK PIRTLE, JUDGE

---

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

**MEMORANDUM OPINION**

Robert B. McCall, appellant, an inmate proceeding *pro se*, appeals the trial court's order dismissing his case for failure to comply with Chapter 14 of the Texas Civil Practice and Remedies Code. We dismiss the appeal.

The trial court clerk's record was filed with this court on June 11, 2004; by letter, that same day, this court's clerk gave notice to appellant of the filing of the trial court clerk's record. Pursuant to Texas Rule of Appellate Procedure 38.6(a), appellant's brief was due July 12, 2004. By letter dated August 9, 2004, 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 Texas Rule of Appellate Procedure 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 August 19, 2004.

Appellant has not filed a response to the court's August 9, 2004 letter, 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. P. 38.8(a)(1); 42.3(b).

James T. Campbell  
Justice