

NO. 07-05-0163-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL D
JUNE 30, 2005

R. WAYNE JOHNSON,

Appellant

V.

BRUCE ZELLER,

Appellee

FROM THE 181st DISTRICT COURT OF POTTER COUNTY;
NO. UNASSIGNED; HONORABLE JOHN B. BOARD, JUDGE

MEMORANDUM OPINION

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

R. Wayne Johnson, appellant, an inmate proceeding *pro se*, appeals the trial court's order denying him permission to sue. We dismiss the appeal.

The clerk's record was filed with this court on May 3, 2005. The court reporter notified this court that there were never any on-the-record hearings and therefore, no notes to transcribe into a reporter's record. Appellant's brief was therefore due on June 2, 2005. By letter dated June 15, 2005, 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. P. 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 June 27, 2005. Appellant has not filed a response to the court's June 15th letter, nor has he submitted a brief or a motion for extension of time.

Accordingly, we dismiss the appeal for want of prosecution. Tex. R. App. P. 38.8(a)(1); 42.3(b).

Brian Quinn
Chief Justice