

NO. 07-05-0366-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL D
DECEMBER 14, 2005

AMBER C. ERICKSON

Appellant

v.

OTIS SIMMONS

Appellee

FROM THE 99th DISTRICT COURT OF LUBBOCK COUNTY;
NO. 2004-525,408; HON. WILLIAM C. SOWDER, PRESIDING

DISMISSAL

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

We vacate our previous order abating this cause.

Pending before the court is the appeal by Amber C. Erickson. The notice of appeal was filed on October 17, 2005. The clerk's motion for extension of time to file the record was granted to December 14, 2005. On December 1, 2005, the clerk of this court contacted appellant's counsel by letter informing counsel that the cause would be dismissed if he did not certify to this court in writing 1) that Texas Rule of Appellate Procedure 35.3(a)(2) had been complied with and 2) the date of compliance. The

certification was due on or before December 12, 2005. To date, no reply has been received.

After notice, we may dismiss an appeal because an appellant fails to comply with a requirement of the rules of appellate procedure. TEX. R. APP. P. 42.3(c). Since appellant has not complied with Rule 35.3(a)(2) and has not told us why the cause should remain pending, we dismiss the appeal.

Per Curiam