

NO. 07-10-00141-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL E
JULY 30, 2010

JAMES SCOT THOMAS, APPELLANT

v.

HECTOR ORTIZ, ET AL, APPELLEE

FROM THE 278TH DISTRICT COURT OF WALKER COUNTY;
NO. 23,855; HONORABLE KENNETH H. KEELING, JUDGE

Before CAMPBELL and HANCOCK, JJ., and BOYD, S.J.¹

MEMORANDUM OPINION

Appellant James Scot Thomas, appearing *pro se*, filed a notice of appeal from an order dismissing his civil suit for failure to comply with Chapter Fourteen of the Civil Practice and Remedies Code. Tex. Civ. Prac. & Rem. Code Ann. §§ 14.001-14.014 (Vernon 2002). Notice of appeal was timely filed. The reporter's record and clerk's record were filed and Thomas's brief was due June 16, 2010. Neither the brief nor a motion for extension of time to file the brief was filed by that date.

¹ John T. Boyd, Chief Justice (Ret.), Seventh Court of Appeals, sitting by assignment.

By letter of June 28, 2010, we notified Thomas his brief was past due. The letter further notified Thomas his appeal was subject to dismissal for want of prosecution unless his brief, accompanied by a motion for extension of time, was filed by July 8, 2010. Thomas has not filed his brief or a motion for extension of time.

An appellate court may dismiss a civil appeal for want of prosecution if an appellant fails to timely file a brief unless the appellant reasonably explains the failure and the appellee is not significantly injured by the failure. Tex. R. App. P. 38.8(a)(1). On its own motion, with ten days notice to the parties, an appellate court may dismiss a civil appeal for want of prosecution. Tex. R. App. P. 42.3(b).

Thomas has not filed a brief or a motion for extension by the date specified, despite notice that failure to do so would subject the appeal to dismissal. Accordingly, we dismiss Thomas's appeal for want of prosecution. See Tex. R. App. P. 38.8(a)(1); 42.3(b).

James T. Campbell
Justice