

NO. 07-11-00261-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL C
NOVEMBER 30, 2011

TERRY R. STREUER AND ALL
OTHER OCCUPANTS, APPELLANTS

v.

PSZ FINANCIAL, LLC, APPELLEE

FROM THE COUNTY COURT AT LAW #2 OF COMAL COUNTY;
NO. 2011CVB0205; HONORABLE CHARLES A. STEPHENS II, JUDGE

Before QUINN, C.J., and HANCOCK and PIRTLE, JJ.

MEMORANDUM OPINION

Appellant, Terry R. Streuer, timely filed notice of appeal of a judgment entered in a forcible entry and detainer action brought by appellee, PSZ Financial, LLC, that awarded possession of 945 Queens Dr., New Braunfels, Texas to PSZ Financial.¹ The reporter's record was filed on July 22, 2011, and the clerk's record was filed on August 12, 2011. As such, Streuer's brief was due to be filed on or before September 12, 2011.

¹ This appeal was originally filed in the Third Court of Appeals but, pursuant to the Texas Supreme Court's docket equalization efforts, was transferred to this Court. See TEX. GOV'T CODE ANN. § 73.001 (West 2005).

See TEX. R. APP. P. 38.6(a). On September 22, the Clerk of this Court sent notice to Streuer that his brief was past due, and that his failure to file his brief on or before October 3, may result in dismissal of his appeal without further notice. In response, on October 5, this Court received Streuer's motion to extend time to file his brief requesting an additional sixty days to file his brief because he had been unable to acquire copies of the clerk's and reporter's records. This Court granted Streuer's motion to the extent that he was afforded an additional thirty days to file his brief. As such, Streuer's brief was due on or before November 2, 2011. By letter dated November 9, 2011, the Clerk of this Court notified Streuer that his brief was again past due and that failure to file his brief with this Court on or before November 21, 2011, could result in dismissal of his appeal pursuant to Rule 38.8(a) of the Texas Rules of Appellate Procedure. Streuer has neither filed his brief nor responded to this Court's November 9, 2011 correspondence.

Accordingly, we now dismiss this appeal for want of prosecution and failure to comply with a notice from the Clerk of this Court requiring a response or other action in a specified time. See TEX. R. APP. P. 38.8(a)(1), 42.3(b), (c).

Mackey K. Hancock
Justice