

NO. 07-12-00208-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL B
OCTOBER 9, 2012

IN THE MATTER OF THE MARRIAGE OF PATRICIA
RICHARD AND LUCKY BRITTON, SR.

FROM THE 21ST DISTRICT COURT OF LEE COUNTY;
NO. 14,270; HONORABLE REVA TOWSLEE CORBETT, JUDGE

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

MEMORANDUM OPINION

Appellant Lucky Britton, Sr., filed a notice of appeal with the clerk of the trial court on April 4, 2012. The clerk's record was filed on July 5, and the reporter's record was filed on August 1. Britton's appellate brief was due no later than August 31. Tex. R. App. P. 38.6(a). When the brief was not filed, the clerk notified Britton by letter of September 17 that his brief was past due. The letter further notified Britton his appeal was subject to dismissal for want of prosecution unless his brief, accompanied by a motion for extension of time, was filed by September 27. Britton 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).

Britton 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 Britton's appeal for want of prosecution. See Tex. R. App. P. 38.8(a)(1); 42.3(b).

James T. Campbell
Justice