



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-14-00238-CV

ALLEN DWAYNE BATES, APPELLANT

V.

**JOEL W. RICHARDSON SHERIFF OF THE RANDALL
COUNTY JAIL AND THE INMATE TRUST FUND ACCOUNT, APPELLEES**

On Appeal from the 181st District Court
Randall County, Texas
Trial Court No. 63,202-B, Honorable David Gleason, Presiding

November 13, 2014

MEMORANDUM OPINION

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

Appellant, Allen Dwayne Bates, an inmate proceeding *pro se*, perfected this appeal from the trial court's order dismissing his suit for want of prosecution. The clerk's record was filed on July 29, 2014.¹ Bates's brief was, therefore, due on August 28, 2014. See TEX. R. APP. P. 38.6(a). Bates did file his brief on September 19, 2014, along with a motion to extend the time to file his brief. While we granted Bates's motion

¹ No reporter's record was filed in this case as there were no recorded hearings held.

for extension of time, we did not file his brief because it did not comply with the requirements of Texas Rules of Appellate Procedure 9 and 38, specifically in that the brief did not include citations to authority or the record, or certificate of service. The Clerk of this Court notified Bates of these deficiencies by letter dated September 26, 2014, and further informed him that the Court directed him to file a corrected brief on or before October 6. When no corrected brief had been received by this Court, by letter dated October 24, the Clerk of this Court again notified Bates that his corrected brief was past due and that failure to file his brief with this Court on or before November 3, would result in dismissal of his appeal pursuant to Rule 38.8(a) of the Texas Rules of Appellate Procedure. By letter dated November 3, Bates responded that he would not be able to file a corrected brief.

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

Mackey K. Hancock
Justice