



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

No. 07-14-00411-CV

**IN THE GUARDIANSHIP OF ALICE GENEVIEVE SMITH,
AN INCAPACITATED PERSON**

On Appeal from the 46th District Court
Wilbarger County, Texas
Trial Court No. 26,004; Honorable Dan Mike Bird, Presiding

June 9, 2015

MEMORANDUM OPINION

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

Appellant, Alice Genevieve Smith, perfected this appeal from the trial court's order denying her application to restore her rights and continuing guardianship of her estate and person. The clerk's record was filed on January 5, 2015. After several failed attempts to be declared indigent by the trial court, Smith was unable to make arrangements to pay for the reporter's record and it was not filed. By letter dated April 15, 2015, the reporter's record was deemed filed and the due date for the filing of Appellant's brief was set for May 15, 2015.

In response to this court's letter, counsel for Appellant advised this court that efforts to continue this appeal had been exhausted and that Appellant "no longer intends to file Appellant's brief." No motion to dismiss having been filed, this court notified counsel by letter dated May 19, 2015, that failure to timely file Appellant's brief by May 29, 2015, would subject the appeal to dismissal without further notice. See TEX. R. APP. P. 38.8(a) and 42.3(b),(c). There was no response to the notice and the brief remains outstanding.

Consequently, we dismiss this appeal for want of prosecution and failure to comply with a notice from the Clerk of this court requiring action within a specified time.

Patrick A. Pirtle
Justice