



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-08-00124-CV

IN RE: JO ALICE MCCUE

On Appeal from the 8th Judicial District Court
Hopkins County, Texas
Trial Court No. CV38714

Before Morriss, C.J., Carter and Moseley, JJ.
Memorandum Opinion by Justice Moseley

MEMORANDUM OPINION

Jo Alice McCue, appellant, filed her notice of appeal October 22, 2008. The clerk's record was filed November 4, 2008, and the reporter's record was filed February 12, 2009. McCue's brief was therefore due March 16, 2009. This Court granted a motion to extend time to file that brief until April 15, 2009. A brief was received by this Court requesting this Court issue a writ of mandamus in this direct appeal,¹ which relief this Court cannot grant. After communicating with counsel, we returned the brief to him and directed him to file a brief clearly specifying the relief sought on or before April 30, 2009. We further warned counsel that if no brief had been received by that time, the appeal could be subject to dismissal for want of prosecution. *See* TEX. R. APP. P. 38.8(a)(1); 42.3(b), (c).

We have received no communication from McCue's counsel. Pursuant to TEX. R. APP. P. 38.8(a)(1) and 42.3(b), (c), we dismiss this appeal for want of prosecution.

Bailey C. Moseley
Justice

Date Submitted: June 25, 2009
Date Decided: June 26, 2009

¹Counsel thereafter filed a petition for writ of mandamus involving this same matter.