



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

No. 06-15-00036-CV

DEBERRY 3 OPERATING COMPANY, LLC, Appellant

V.

QUITMAN INDEPENDENT SCHOOL DISTRICT, ET AL., Appellees

On Appeal from the 402nd Judicial District Court
Wood County, Texas
Trial Court No. T-3625

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

MEMORANDUM OPINION

Appellant DeBerry 3 Operating Company, LLC (DeBerry), timely filed a notice of appeal January 21, 2015. The clerk's record was filed May 13, 2015. The reporter's record was filed May 19, 2015. DeBerry's brief was due to be filed with this Court on or before June 18, 2015. When neither a brief nor a motion to extend time for filing same were received by July 2, our clerk's office, pursuant to our instructions, contacted DeBerry by letter and advised that its brief was late, extended the deadline for filing the brief to July 17, 2015, and warned that failure to file the brief by July 17 would subject DeBerry's appeal to dismissal for want of prosecution. *See* TEX. R. APP. P. 38.8(a)(1), 42.3(b), (c).

On July 21, our clerk's office contacted counsel for DeBerry regarding the late brief and was informed that no brief would be filed on behalf of DeBerry. Pursuant to Rules 38.8 and 42.3 of the Texas Rules of Appellate Procedure, we dismiss this appeal for want of prosecution. *See* TEX. R. APP. P. 38.8(a)(1), 42.3(b), (c).

Ralph K. Burgess
Justice

Date Submitted: July 23, 2015
Date Decided: July 24, 2015