



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

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No. 06-17-00069-CV

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ASHLEY HIGHTOWER AND ASH HIGH ENTERPRISES, LLC, Appellants

V.

ALLEGHENY INVESTMENTS, LLC, Appellee

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On Appeal from the 276th District Court  
Titus County, Texas  
Trial Court No. 39136

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

## MEMORANDUM OPINION

Ashley Hightower filed a timely notice of appeal on June 8, 2017. The clerk's record was filed on June 21, 2017, and the reporter's record was filed on August 15, 2017. The original deadline for Hightower's appellate brief was September 14, 2017. When neither a brief nor a motion to extend time for filing same was received by September 14, 2017, this Court advised Hightower by letter dated October 3, 2017, that the brief was late. We further extended the deadline for filing the brief to October 24, 2017. We warned Hightower that failure to file the brief by October 24, 2017, would subject this appeal to dismissal for want of prosecution. *See* TEX. R. APP. P. 38.8(a)(1), 42.3(b), (c).

We have received no responsive communication from Hightower and have not received his appellate brief. Having not received any response to this Court's letter of October 3, 2017, Hightower's appeal is ripe for dismissal for want of prosecution. Consequently, 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).

Bailey C. Moseley  
Justice

Date Submitted: November 8, 2017  
Date Decided: November 9, 2017