



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

No. 06-18-00033-CV

MARIO MATA, LILY MATA, AND/OR ALL OCCUPANTS OF
2804 HUBBARD CIRCLE, AUSTIN, TX 78746, Appellants

V.

WELLS FARGO BANK, NATIONAL ASSOCIATION, AS TRUSTEE FOR SABR
TRUST 2004-OP1, MORTGAGE PASS-THROUGH CERTIFICATES,
SERIES 2004-OP1, Appellees

On Appeal from the County Court at Law No. 2
Travis County, Texas
Trial Court No. C-1-CV-18-000434

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

MEMORANDUM OPINION

Mario Mata and Lily Mata filed a timely notice of appeal in the County Court at Law No. 2 of Travis County¹ on May 7, 2018. The clerk's record was filed on September 14, 2018. The reporter's record was due to be filed on or before August 28, 2018. After the court reporter informed this Court that the Matas made no request for transcription of the reporter's record and did not pay for the transcription and filing of that record, this Court advised the Matas, by letter dated September 14, 2018, that this case would move forward on the clerk's record alone if the Matas did not pay for preparation of the reporter's record by October 5, 2018. When the court reporter was not compensated for the preparation and filing of the record, this Court advised the Matas—by letter dated October 12, 2018—that the case would be determined on the clerk's record alone and that their appellate brief was due on or before November 12, 2018.

When neither a brief nor a motion to extend time for filing same was received by November 12, 2018, this Court advised the Matas by letter dated November 28, 2018, that the brief was late. We further extended the deadline for filing the brief to December 13, 2018. We warned the Matas that failure to file the brief by December 13, 2018, would subject this appeal to dismissal for want of prosecution. *See* TEX. R. APP. P. 38.8(a)(1), 42.3(b), (c).

We received no responsive communication from either Mario Mata or Lily Mata and did not receive an opening brief from the appellants. Having received no response to this Court's letter

¹Originally appealed to the Third Court of Appeals, this case was transferred to this Court by the Texas Supreme Court pursuant to its docket equalization efforts. *See* TEX. GOV'T CODE ANN. § 73.001 (West 2013). We are unaware of any conflict between precedent of the Third Court of Appeals and that of this Court on any relevant issue. *See* TEX. R. APP. P. 41.3.

of November 28, 2018, and no briefing from the appellants, this 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).

Ralph K. Burgess
Justice

Date Submitted: January 9, 2019
Date Decided: January 10, 2019