



**IN THE
TENTH COURT OF APPEALS**

No. 10-08-00402-CV

**JOHN BENJAMIN CLOPTON AND
BARBARA ANN CLOPTON,**

Appellants

v.

**STEPHEN LYNN BRADFORD AND
RAYMOND JAMES MASSEY,**

Appellees

**From the 40th District Court
Ellis County, Texas
Trial Court No. 76632**

MEMORANDUM OPINION

John Benjamin Clopton and Barbara Ann Clopton filed a notice of appeal from the trial court's order denying the Cloptons' motion to strike the Intervenor's plea in intervention. The Clerk of this Court notified the Cloptons by letter that the appeal was subject to dismissal because it appeared there was no right of interlocutory appeal. The Cloptons were also notified that the appeal would be dismissed unless, within 21 days from the date of the letter, a response was filed showing grounds for continuing the appeal.

The Cloptons faxed a response but it does not show grounds for continuing the appeal. Accordingly, this appeal is dismissed. *See* TEX. R. APP. P. 42.3, 44.3.

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Vance, and
Justice Reyna
(Justice Vance dissenting)
Appeal dismissed
Opinion delivered and filed December 23, 2008
[CV06]