



**IN THE
TENTH COURT OF APPEALS**

No. 10-13-00231-CR

EX PARTE ALLEN D. FOSTER

**From the 54th District Court
McLennan County, Texas
Trial Court No. 2012-2343-C2A**

MEMORANDUM OPINION

Allen D. Foster filed an appeal of what appeared to be a writ of habeas corpus filed simultaneously with the trial court. By letter dated August 1, 2013, the Clerk of this Court notified Foster that his appeal was subject to dismissal because it appeared the trial court had not ruled on his application for writ of habeas corpus and therefore, there was no final, appealable order to appeal. *See* TEX. R. APP. P. 44.3; 26.2. By the same letter, the Clerk warned Foster that, unless a response showing grounds for continuing the appeal was filed within 14 days of the date of the letter, the appeal would be dismissed. More than 14 days have passed, and Foster has not filed a

response to the Clerk's letter. The only correspondence from Foster since the issuance of the Clerk's letter was an inquiry about his attorney on appeal.

Accordingly, the appeal is dismissed.

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins

Appeal dismissed

Opinion delivered and filed August 29, 2013

Do not publish

[CR25]