



WITHDRAWN 9-27-2021

IN THE
TENTH COURT OF APPEALS

No. 10-20-00246-CV

**RICHARD RUSSELL WOOD AND
WATERMARK INDUSTRIES, LLC
(PREVIOUSLY D/B/A MR. APPLIANCE
OF DAYTONA BEACH),**

Appellants

v.

MR. APPLIANCE LLC,

Appellee

**From the 414th District Court
McLennan County, Texas
Trial Court No. 2019-712-5**

MEMORANDUM OPINION

Appellant Richard Russell Wood filed a pro se notice of appeal in this Court on September 21, 2020. Wood appealed on his own behalf and on behalf of Watermark Industries, LLC (previously d/b/a Mr. Appliance of Daytona Beach). After being informed by the Court that he could not represent Watermark Industries unless he was

an attorney, Wood voluntarily dismissed Watermark Industries from this appeal on November 23, 2020 in his amended notice of appeal.

The docketing statement was not received. *See* TEX. R. APP. P. 32.1. On June 7, 2021, we sent a letter explaining that the docketing statement must be filed and warning that the Court could dismiss the appeal if a docketing statement was not filed within ten (10) days. *See id.* at R. 42.3(c).

More than ten days have passed, and we have not received the docketing statement. Accordingly, we dismiss this appeal. *See id.* at R. 32.1, 42.3(c); *see also* *Cornett v. Williams*, No. 10-19-00141-CV, 2019 Tex. App. LEXIS 4851, at *1 (Tex. App. – Waco June 12, 2019, no pet.) (mem. op.) (dismissing case for failure to file docketing statement).

MATT JOHNSON
Justice

Before Chief Justice Gray,
Justice Johnson, and
Justice Davis¹
Appeal dismissed
Opinion delivered and filed July 14, 2021
[CV06]



¹ The Honorable Rex Davis, Senior Justice (Retired) of the Tenth Court of Appeals sitting by assignment of the Chief Justice of the Texas Supreme Court. *See* TEX. GOV'T CODE ANN. §§ 74.003, 75.002, 75.003.