

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-02-00386-CV**

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**Randy Lee Barnett, Appellant**

**v.**

**Carole Keeton Rylander, Comptroller of Public Accounts, Appellee**

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**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 53RD JUDICIAL DISTRICT  
NO. 99-05555, HONORABLE JOHN K. DIETZ, JUDGE PRESIDING**

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Because appellant Randy Lee Barnett has failed to file an appellant's brief, we will dismiss this appeal for want of prosecution. *See* Tex. R. App. P. 38.8(a)(1), 42.3(b).

The Clerk of this Court filed the clerk's record in this cause on July 22, 2002. Thus, appellant's brief was due August 21. *See id.* 38.6(a)(1). By postcard dated August 28, 2002, the Clerk of this Court notified the parties that the appeal was subject to dismissal for want of prosecution unless appellant tendered a motion by September 9 reasonably explaining the failure to file a brief. *See id.* 38.8(a)(1). Thus far, appellant has submitted neither a brief nor a motion reasonably explaining the failure to file a brief.

Accordingly, we dismiss the appeal for want of prosecution on our own motion. *See id.*

42.3(b).

Bea Ann Smith, Justice

Before Justices Kidd, B. A. Smith and Yeakel

Filed: October 3, 2002

Dismissed for Want of Prosecution

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