

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

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**NO. 03-04-00745-CV**

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**Gregory Windham, Move-Up America, Inc., Lee Ann Readd  
and Trace Slama, Appellants**

**v.**

**Move-Up America, L.L.C., Appellee**

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**FROM THE DISTRICT COURT OF WILLIAMSON COUNTY, 277TH JUDICIAL DISTRICT  
NO. 04-1019-C-277, HONORABLE KEN ANDERSON, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

Appellants filed their notice of appeal on November 18, 2004. In it, they assert that they desire to appeal from a temporary injunction. Based on the date the notice of appeal was filed, the record in this interlocutory, accelerated appeal was due on Monday, November 29, 2004. *See* Tex. R. App. P. 4.1, 26.1(b), 28.1, 35.1(b). By letter dated November 30, 2004, the Williamson County District Clerk informed this Court's clerk that no record would be filed because this appeal had settled.

On February 1, 2005, having received no further communication from either the district court or the parties, this Court's clerk sent a letter to the parties noting both the lateness of the record and the district clerk's representation of settlement. By this letter, this Court's clerk indicated that this Court would dismiss this appeal for want of prosecution unless, by February 11, 2005, this Court received either a motion to dismiss or a response indicating the status of the appeal.

Having received neither, we dismiss this appeal for want of prosecution. *See* Tex.

R. App. P. 42.3(b).

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Bob Pemberton, Justice

Before Chief Justice Law, Justices B. A. Smith and Pemberton

Dismissed for Want of Prosecution

Filed: April 7, 2005