

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-08-00499-CV

Wen Chu, Appellant

v.

Albert's Towing, Appellee

**FROM THE COUNTY COURT AT LAW NO. 2 OF TRAVIS COUNTY
NO. C-1-CV-08-005573, HONORABLE ERIC SHEPPERD, JUDGE PRESIDING**

MEMORANDUM OPINION

Wen Chu, acting pro se, filed an appeal from a judgment in favor of appellee Albert's Towing. On October 15, 2008, this Court notified appellant that his brief was overdue. One week later, appellant placed a telephone call to this Court, stating that he wanted to check the status of his case and denying that he received the October 15 notice.

This Court notified appellant on December 11, 2008, that his brief remained overdue and that this appeal was subject to dismissal for want of prosecution if he did not respond by December 22, 2008, with a reasonable explanation for his failure to file the brief. *See* Tex. R. App. P. 38.8(a)(1). The deadline has passed, and appellant has not responded to this Court's notice.

This appeal is dismissed for want of prosecution. *See* Tex. R. App. P. 42.3(b), (c).

W. Kenneth Law, Chief Justice

Before Chief Justice Law, Justices Puryear and Pemberton

Dismissed for Want of Prosecution

File: December 31, 2008