

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-09-00260-CV

Troy Rose, Appellant

v.

City of Brady, Texas, Appellee

**FROM THE DISTRICT COURT OF MCCULLOCH COUNTY, 198TH JUDICIAL DISTRICT
NO. 2008143, HONORABLE EMIL KARL PROHL, JUDGE PRESIDING**

MEMORANDUM OPINION

The appellant's brief was due on July 9, 2009. On July 21, 2009, this Court notified appellant that his brief was overdue and that a failure to file a proper motion for extension of time by July 31, 2009, would result in the dismissal of this appeal for want of prosecution. To date, the appellant has not filed a brief or a motion for extension of time.¹ Accordingly, we dismiss this appeal for want of prosecution.

Diane M. Henson, Justice

Before Chief Justice Jones, Justices Waldrop and Henson

Dismissed for Want of Prosecution

Filed: August 26, 2009

¹ On May 11, 2009, the appellant filed a motion to extend time to file his notice of appeal. Because the filing fee has not been paid and no certificate of conference has been filed, *see* Tex. R. App. P. 10.1(a)(5), the motion remains pending and is hereby dismissed as moot.