

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

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**NO. 03-09-00517-CV**

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**Appellant, M&K Energy, Inc.// Cross-Appellant, BNC Engineering, LLC**

**v.**

**Appellee, BNC Engineering, LLC// Cross-Appellee, M&K Energy, Inc.**

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**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 353RD JUDICIAL DISTRICT  
NO. D-1-GN-07-003947, HONORABLE ORLINDA NARANJO, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

On September 24, 2009, this Court notified appellant M&K Energy, Inc., and cross-appellant BNC Engineering, LLC, that the clerk's record in the above cause was overdue. This Court requested that the parties make arrangements for the record and submit a status report regarding this appeal on or before October 5, 2009. This Court further informed the parties that failure to do so may result in the dismissal of this appeal for want of prosecution. The deadline has passed, and we have received no response from either party. Accordingly, we dismiss the appeal for want of prosecution. *See* Tex. R. App. P. 42.3(b).

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Bob Pemberton, Justice

Before Justices Patterson, Puryear and Pemberton

Dismissed for Want of Prosecution

Filed: December 9, 2009