

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

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**NO. 03-10-00150-CV**

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**Stearman Construction, LLC, a Texas Limited Liability Company, and Steven Stearman, a/k/a Steven Ray Stearman, Individually, Appellants // The State of Texas, Cross-Appellant**

**v.**

**The State of Texas, Appellee// Stearman Construction, LLC, a Texas Limited Liability Company, and Steven Stearman, a/k/a Steven Ray Stearman, Individually, Cross-Appellees**

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**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 345TH JUDICIAL DISTRICT  
NO. S-1-GV-09-001640, HONORABLE GISELA D. TRIANA-DOYAL, JUDGE PRESIDING**

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**ORDER**

**PER CURIAM**

Appellants Stearman Construction, LLC, and Steven Stearman filed a notice of appeal on March 8, 2010. Appellants' brief was originally due May 7, but the deadline was extended to June 28. Cross-appellant the State of Texas filed its appellant's brief on June 4. On June 30, appellants' attorney filed a motion to withdraw, and that motion was granted on July 26. On January 14, 2011, we notified appellants that their brief was overdue, asking for a response no later than January 24 and cautioning appellants that the appeal would be dismissed for want of prosecution if timely action was not taken. To date, appellants have not responded to our notice. We therefore dismiss the appeal for want of prosecution. Tex. R. App. P. 42.3(b). The State's cross-appeal will continue, styled *The State of Texas v. Stearman Construction, LLC, a Texas Limited Liability Company, and Steven Stearman, a/k/a Steven Ray Stearman, Individually*. The Stearman

parties, now appellees, have until June 3 to file their appellees' brief. If an appellees' brief is not filed, the Court will proceed to consider the appeal based only on the State's brief and the appellate record.

Before Justices Puryear, Pemberton and Rose

Filed: May 4, 2011