

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-14-00485-CV

John Reed, Jr., Appellant

v.

Farmers Insurance Group, Appellee

**FROM THE DISTRICT COURT OF BELL COUNTY, 169TH JUDICIAL DISTRICT
NO. 259,941-C, HONORABLE GORDON G. ADAMS, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant has been the beneficiary of four previous extensions of time to file his opening brief, which was originally due in December 2014. The most recent extended deadline was March 11, 2015. After this deadline passed without a brief being filed, our Clerk sent notice to appellant—on April 29, 2015—warning that his brief was overdue and that the appeal could be dismissed for want of prosecution if appellant did not respond with a reasonable explanation for the failure by May 11, 2015. We have received no response from appellant other than a fifth motion for extension of time that was filed on April 29, 2015 (the same day we sent our last notice) requesting an extension until one week after this Court received a supplemental clerk’s record. While we received that supplemental record on May 7—now almost three months ago—we still have yet to receive appellant’s brief.

If an appellant fails to file a brief, this Court is empowered to dismiss the appeal for want of prosecution unless the appellant reasonably explains the failure and appellee is not significantly injured by that failure.¹ To date, appellant has provided no explanation of his ongoing failure to file a brief, let alone filed one. We dismiss the appeal for want of prosecution.²

Bob Pemberton, Justice

Before Chief Justice Rose, Justices Pemberton and Field

Dismissed for Want of Prosecution

Filed: August 5, 2015

¹ *See* Tex. R. App. P. 38.8(a)(1).

² *See id.* R. 42.3(b).