

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-17-00017-CV

Baskerville O. Weaver, Appellant

v.

Deborah Eklund White, Appellee

**FROM THE 22ND DISTRICT COURT OF HAYS COUNTY
NO. 14-2285, THE HONORABLE WILLIAM R. HENRY, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant filed his notice of appeal in the trial court on December 28, 2016. The reporter's record was due in this Court on April 4, 2017. The Court sent a notice to appellant on June 14, 2017, that we had been informed by appellant and the court reporter that payments had been made toward the full balance due for the reporter's record. We advised appellant that if he did not pay the full balance for the reporter's record by July 14, 2017, we would consider the appeal without the reporter's record. After appellant completed his payment to the court reporter, we subsequently granted an extension of time to the court reporter, and the record was complete on September 19, 2017. Thus, appellant's brief was originally due on October 19, 2017.

The Court sent a notice to appellant on November 2, 2017, that his brief was overdue and that a failure to file a satisfactory response by November 13, 2017, would result in the

dismissal of this appeal for want of prosecution. On November 13, 2017, appellant filed a motion for extension of time and sought a 102-day extension of time until January 29, 2018. On November 16, 2017, by order of the Court, appellant's motion was granted in part. In granting the extension, this Court advised counsel that no further extensions would be granted and that failure to file his brief by December 6, 2017, would result in dismissal of his appeal. To date, the brief has not been tendered for filing and is overdue. Accordingly, we dismiss this appeal for want of prosecution. *See* Tex. R. App. P. 42.3(b).

Cindy Olson Bourland, Justice

Before Justices Puryear, Field, and Bourland

Dismissed for Want of Prosecution

Filed: December 12, 2017