



NUMBER 13-07-00229-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

LINDA DOROTHY SWANEY,

Appellant,

v.

THOMAS EDWARD SWANEY,

Appellee.

**On appeal from the 377th District Court
of Victoria County, Texas.**

MEMORANDUM OPINION

**Before Justices Rodriguez, Garza, and Vela
Memorandum Opinion Per Curiam**

Appellee, Thomas Edward Swaney, has filed a motion to dismiss restricted appeal on grounds that the appellant, Linda Dorothy Swaney, has failed to file her brief. The appellant's brief in the above cause was due on March 5, 2008. On June 3, 2008, the Clerk of the Court notified appellant that the brief had not been timely filed and that the

appeal was subject to dismissal for want of prosecution under Texas Rule of Appellate Procedure 38.8(a)(1), unless within ten days from the date of receipt of this letter, appellant reasonably explained the failure and the appellee was not significantly injured by the appellant's failure to timely file a brief. To date, appellant has neither filed her brief in this matter nor otherwise responded to the Court's notice.

Appellant has failed to either reasonably explain her failure to file a brief, file a motion for extension of time to file her brief, or file her brief. Accordingly, the appellee's motion to dismiss restricted appeal is GRANTED and the appeal is DISMISSED FOR WANT OF PROSECUTION. See TEX. R. APP. P. 38.8(a), 42.3(b).

PER CURIAM

Memorandum Opinion delivered and
filed this the 18th day of September, 2008.