



**NUMBER 13-08-00098-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**HARROD'S PROPERTIES, INC.  
D/B/A HOLIDAY INN, LTD.,**

**Appellant,**

**v.**

**HELDT ENTERPRISES, INC. D/B/A  
RAINBOW INTERNATIONAL CLEANING  
AND RESTORATION,**

**Appellee.**

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**On appeal from the 135th District Court  
of Victoria County, Texas.**

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**MEMORANDUM OPINION**

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

The appellant's brief in the above cause was due on March 20, 2008. On April 2, 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. See TEX. R. APP. P. 38.8(a)(1). Appellant failed to respond to this Court's notice.

On March 25, 2008, the Clerk further informed appellant that it was delinquent in remitting a \$175.00 filing fee due in our Court for the filing of the notice of appeal on February 19, 2008, and noted that it had previously been notified that this filing fee was due. The Clerk notified appellant that the appeal would be dismissed if the filing fee was not paid within ten days from the date of this notice. See *id.* 42.3(c). Appellant failed to pay this fee.

Appellant has failed to either reasonably explain his failure to file a brief, file a motion for extension of time to file his brief, or file his brief. Appellant has further failed to pay required fees as directed by the Clerk of this Court. Accordingly, the appeal is DISMISSED FOR WANT OF PROSECUTION. See TEX. R. APP. P. 38.8(a), 42.3(b),(c).

PER CURIAM

Memorandum Opinion delivered and  
filed this the 3rd day of July, 2008.