



NUMBER 13-08-00210-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

JIMMY WAYNE CUMPIAN,

Appellant,

v.

JAY LACK,

Appellee.

**On appeal from the County Court at Law
of Calhoun County, Texas.**

MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Rodriguez and Benavides
Memorandum Opinion Per Curiam**

The appellant's brief in the above cause was due on September 24, 2008. On October 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. No response has been received from appellant.

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. Accordingly, 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 4th day of December, 2008.