



NUMBER 13-16-00367-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

KELLY Y. GARNER,

Appellant,

v.

TERRY J. WEEKS,

Appellee.

**On appeal from the County Court at Law No. 1
of Travis County, Texas.**

MEMORANDUM OPINION

**Before Justices Garza, Perkes, and Longoria
Memorandum Opinion Per Curiam**

The appellant's brief in the above cause was due on September 16, 2016.¹ On September 26, 2016, the Clerk of the Court notified appellant that the brief had not been

¹ This case is before the Court on transfer from the Third Court of Appeals in Austin pursuant to a docket equalization order issued by the Supreme Court of Texas. See TEX. GOV'T CODE ANN. § 73.001 (West, Westlaw through 2015 R.S.).

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 the Court's 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, no response has been received from appellant.

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

PER CURIAM

Delivered and filed the
8th day of December, 2016.