



**NUMBER 13-20-00035-CV**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**ERIC MUENZLER D/B/A  
QUALITY IMPROVEMENTS,**

**Appellant,**

**v.**

**MUSTANG MACHINERY  
COMPANY, LTD. D/B/A  
MUSTANG CAT,**

**Appellee.**

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**On appeal from the 85th District Court  
of Brazos County, Texas.**

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**MEMORANDUM OPINION**

**Before Justices Benavides, Hinojosa, and Tijerina  
Memorandum Opinion by Justice Tijerina**

This cause is before the court on appellee's motion to dismiss for want of

prosecution. Appellant did not file a response to the motion.<sup>1</sup>

The appellant's brief in the above cause was originally due on May 4, 2020. On May 6, 2020, the Clerk of the Court sent notice to appellant instructing that this appeal was subject to dismissal for want of prosecution under Texas Rule of Appellate Procedure 38.8(a)(1), unless appellant reasonably explained the failure and the appellees were not significantly injured by the appellant's failure to timely file a brief.

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 motion to dismiss is GRANTED, and the appeal is DISMISSED for want of prosecution. See TEX. R. APP. P. 38.8(a), 42.3(b)(c).

JAIME TIJERINA  
Justice

Delivered and filed the  
17th day of September, 2020.

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<sup>1</sup> This case is before this Court on transfer from the Tenth Court of Appeals in Waco pursuant to a docket-equalization order issued by the Supreme Court of Texas. See TEX. GOV'T CODE ANN. § 73.001.