

NO. 12-09-00310-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

LUCIANO LOPEZ,
APPELLANT

§

APPEAL FROM THE 7TH

V.

§

JUDICIAL DISTRICT COURT

RON-SLO, INC.,
APPELLEE

§

SMITH COUNTY, TEXAS

MEMORANDUM OPINION
PER CURIAM

This appeal is being dismissed for want of prosecution. *See* TEX. R. APP. P. 42.3(b). Appellant, Luciano Lopez, perfected his appeal on September 23, 2009. The clerk's record was filed on October 28, 2009, making Lopez's brief due on or before November 30, 2009. When Lopez failed to file his brief by November 30, 2009, this court notified Lopez on December 2, 2009 that the brief was past due. The notice warned that if no motion for extension of time to file the brief was received by December 14, 2009, the appeal would be dismissed for want of prosecution under Texas Rule of Appellate Procedure 42.3(b). Further, the notice informed Lopez that the motion for extension of time must contain a reasonable explanation for his failure to file the brief and a showing that Appellee, Ron-Slo, Inc. had not suffered material injury thereby.

To date, Lopez has neither complied with or otherwise responded to this court's December 2, 2009 notice. Accordingly, we *dismiss* the appeal *for want of prosecution*. *See* TEX. R. APP. P. 38.8(a)(1), 42.3.(b).

Opinion delivered December 16, 2009.
Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(PUBLISH)