

NO. 12-10-00125-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

ANTHONY WAYNE WHITE, § *APPEAL FROM THE 349TH*
APPELLANT

V.

THE STATE OF TEXAS, TEXAS § *JUDICIAL DISTRICT COURT*
DEPARTMENT OF CRIMINAL JUSTICE-
INSTITUTIONAL DIVISION, ISAAC F.
VASQUEZ AND BRENT L. CLAUS,
APPELLEES § *ANDERSON COUNTY, TEXAS*

MEMORANDUM OPINION
PER CURIAM

This appeal is being dismissed for want of prosecution. *See* TEX. R. APP. P. 42.3(b). Appellant, Anthony Wayne White, perfected his appeal on April 19, 2010. The clerk’s record was filed on May 27, 2010, making White’s brief due on or before June 28, 2010. When White failed to file his brief by June 28, 2010, this court notified him on July 14, 2010 that the brief was past due. The notice warned that if no motion for extension of time to file the brief was received by July 26, 2010, the appeal would be dismissed for want of prosecution under Texas Rule of Appellate Procedure 42.3(b). Further, the notice informed White that the motion for extension of time must contain a reasonable explanation for his failure to file the brief and a showing that Appellees, The State of Texas, Texas Department of Criminal Justice–Institutional Division, Isaac F. Vasquez, and Brent L. Claus, had not suffered material injury thereby.

To date, White has neither complied with nor otherwise responded to this court’s July 14, 2010 notice. Accordingly, we *dismiss* the appeal *for want of prosecution*. *See* TEX. R. APP. P. 38.8(a)(1), 42.3.(b).

Opinion delivered July 30, 2010.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(PUBLISH)