

NO. 12-11-00132-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

MARY M. LINDSEY,
APPELLANT

§

APPEAL FROM THE

V.

§

COUNTY COURT AT LAW #3

DENNIS H. WALKER,
APPELLEE

§

SMITH COUNTY, TEXAS

MEMORANDUM OPINION
PER CURIAM

This appeal is being dismissed for want of prosecution. *See* TEX. R. APP. P. 42.3(c). Appellant, Mary M. Lindsey, perfected her appeal on April 28, 2011. The reporter's record was filed on July 6, 2011, making Appellant's brief due on or before August 5, 2011. When Appellant failed to file her brief by August 5, 2011, this court notified her on August 9, 2011, that the brief was past due. The notice warned that if no motion for extension of time to file the brief was received by August 19, 2011, the appeal would be dismissed for want of prosecution under Texas Rule of Appellate Procedure 42.3(c). Further, the notice informed Appellant that the motion for extension of time must contain a reasonable explanation for her failure to file the brief and a showing that Appellee, Dennis H. Walker, had not suffered material injury thereby. The August 19 deadline has now passed, and Appellant has neither complied with or otherwise responded to this court's August 9, 2011 notice. Accordingly, we *dismiss* the appeal *for want of prosecution*. *See* TEX. R. APP. P. 38.8(a)(1), 42.3(c).

Opinion delivered August 24, 2011.

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

(PUBLISH)