

NO. 12-11-00185-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

JORDAN HEALTH CARE, INC., § *APPEAL FROM THE 273RD*
JORDAN HOME HEALTH CARE, LLC,
JORDAN HEALTHCARE HOLDINGS,
INC. AND JHS OPERATIONS, LLC,
APPELLANTS

V. § *JUDICIAL DISTRICT COURT*

CAROLYN COOKS, AS INDEPENDENT
EXECUTRIX OF THE ESTATE OF
MATTIE DUNCAN SPENCER,
APPELLEE § *CHEROKEE COUNTY, TEXAS*

MEMORANDUM OPINION
PER CURIAM

This appeal is being dismissed for want of prosecution. *See* TEX. R. APP. P. 42.3(c). Appellants, Jordan Health Care, Inc., Jordan Home Health Care, LLC, Jordan Healthcare Holdings, Inc., and JHS Operations, LLC, perfected their appeal on June 23, 2011. The clerk's record was filed on July 5, 2011, making Appellants' brief due on or before August 4, 2011. When Appellants failed to file their brief by August 4, 2011, this court notified them on August 8, 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 18, 2011, the appeal would be dismissed for want of prosecution under Texas Rule of Appellate Procedure 38.8(a)(1). Further, the notice informed Appellants that the motion for extension of time must contain a reasonable explanation for their failure to file the brief and a showing that Appellee, Carolyn Cooks, Independent Executrix of the Estate of Mattie Duncan Spencer, Deceased, had not suffered material injury thereby.

On August 11, 2011, Appellants notified this court that the case has settled. However, Appellants did not file a motion to dismiss the appeal. 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)