

NO. 12-11-00323-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

<i>IN THE INTEREST OF</i>	§	<i>APPEAL FROM THE 307TH</i>
<i>J.W.B., III AND L.M.B.,</i>	§	<i>JUDICIAL DISTRICT COURT</i>
<i>CHILDREN</i>	§	<i>GREGG COUNTY, TEXAS</i>

***MEMORANDUM OPINION
PER CURIAM***

This appeal is being dismissed for want of prosecution. *See* TEX. R. APP. P. 42.3(c). Appellant perfected her appeal on September 9, 2011. On December 30, 2011, the appeal was dismissed for Appellant's failure, after notice, to pay the trial court clerk's fee for preparing the clerk's record. *See generally In re J.W.B., III*, No. 12-11-00323-CV, 2011 WL 7099715 (Tex. App.–Tyler Dec. 30, 2011, no pet.). After the appeal was dismissed, Appellant paid the trial court clerk's fee, and filed a motion for rehearing to which she attached proof of payment. The motion for rehearing was granted, and the appeal was reinstated on January 23, 2012.

The record was filed on May 4, 2012, making Appellant's brief due on or before June 4, 2012. When Appellant failed to file her brief by June 4, 2012, this court notified her on June 8, 2012, that the brief was past due. The notice warned that if no motion for extension of time to file the brief was received by June 18, 2012, the appeal would be dismissed for want of prosecution under Texas Rule of Appellate Procedure 38.8(a)(1). 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 had not suffered material injury thereby.

The June 18, 2012 deadline has now passed, and Appellant has neither complied with nor otherwise responded to this court's June 8, 2012 notice. Accordingly, we *dismiss* the appeal *for want of prosecution*. *See* TEX. R. APP. P. 38.8(a)(1), 42.3(b).

Opinion delivered June 29, 2012.

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

(PUBLISH)



COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT

JUNE 29, 2012

NO. 12-11-00323-CV

IN THE INTEREST OF
J.W.B., III AND L.M.B., CHILDREN

Appeal from the 307th Judicial District Court
of Gregg County, Texas. (Tr.Ct.No. 2010-275-DR)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this court that since the appellant has filed no brief in this cause, the appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this court that this appeal be, and the same is, hereby **dismissed for want of prosecution**; that all costs of this appeal be, and the same are, adjudged against appellant, **KELLY BOOTH GREENE**, for which execution may issue; and that this decision be certified to the trial court below for observance.

By per curiam opinion.

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