

NO. 12-14-00059-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

FRED W. LOLLAR,
APPELLANT

§ ***APPEAL FROM THE 7TH***

V.

§ ***JUDICIAL DISTRICT COURT***

J. MERCED ESPINOZA,
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 perfected his appeal on February 26, 2014. The clerk's record was filed on April 25, 2014, and after extensions, Appellant's brief was due on or before July 28, 2014. When Appellant failed to file his brief by the due date, this court notified Appellant on July 29, 2014, 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 8, 2014, the appeal would be dismissed for want of prosecution under Texas Rule of Appellate Procedure 42.3(b). Further, the notice informed Appellant that the motion for extension of time must contain a reasonable explanation for his failure to file the brief and a showing that Appellee had not suffered material injury thereby.

To date, Appellant has neither complied with nor otherwise responded to this court's July 29, 2014 notice. Accordingly, we *dismiss* the appeal *for want of prosecution*. *See* TEX. R. APP. P. 38.8(a)(1), 42.3(b).

Opinion delivered August 20, 2014.

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

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

AUGUST 20, 2014

NO. 12-14-00059-CV

FRED W. LOLLAR,
Appellant
V.
J. MERCED ESPINOZA,
Appellee

Appeal from the 7th District Court
of Smith County, Texas (Tr.Ct.No. 13-2838-A)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this court that this 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**; and that this decision be certified to the court below for observance.

By *per curiam* opinion.
Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.