

NO. 12-14-00136-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***KALEB MCCA
APPELLANT***

§ ***APPEAL FROM THE 217TH***

V.

§ ***JUDICIAL DISTRICT COURT***

***TEXAS FARM BUREAU CASUALTY
INSURANCE COMPANY,
APPELLEE***

§ ***ANGELINA 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 May 29, 2014. The clerk's record was filed on June 30, 2014, making Appellant's brief due on or before July 30, 2014. However, Appellant failed to file a brief.

On August 5, 2014, this court notified Appellant that the appeal may be dismissed for want of prosecution unless he filed a motion for extension of time on or before August 15, 2014. Appellant was further informed that the motion for extension of time must contain a reasonable explanation for his failure to file the brief and show that Appellee has not suffered material injury thereby. *See* TEX. R. APP. P. 38.8.

On August 9, 2014, the parties filed a joint motion asking this court to remand the case to complete settlement. However, the specific relief requested on remand does not comply with Texas Rule of Appellate Procedure 42.1(b). Therefore, the motion must be overruled.

The August 15, 2014 deadline for filing Appellant's brief has passed, and Appellant has not filed a brief. Accordingly, we ***overrule*** the joint motion to remand and ***dismiss*** the appeal ***for want of prosecution***. *See* TEX. R. APP. P. 38.8(a)(1), 42.3.(b).

Opinion delivered October 15, 2014.

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

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

OCTOBER 15, 2014

NO. 12-14-00136-CV

KALEB MCCA,

Appellant

V.

TEXAS FARM BUREAU CASUALTY INSURANCE COMPANY,

Appellee

Appeal from the 217th District Court
of Angelina County, Texas (Tr.Ct.No. CV-02236-13-04)

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 for want of prosecution.

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.