

**NO. 12-14-00243-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

<b><i>IN THE MATTER OF THE MARRIAGE OF RUSTY BURNETT ABNEY AND SANDEE CAPRICE ABNEY AND IN THE INTEREST OF BREEANA CAPRICE ABNEY AND BRITTON STANLEY ABNEY, CHILDREN</i></b>	<b>§</b>	<b><i>APPEAL FROM THE 3RD  JUDICIAL DISTRICT COURT  HENDERSON COUNTY, TEXAS</i></b>
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***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 August 22, 2014, and the clerk's record was filed on November 18, 2014. On January 8, 2015, the appeal was ordered submitted on the clerk's record alone after Appellant decided not to file a reporter's record. Therefore, Appellant's brief was due on February 9, 2015.

When Appellant failed to file his brief by the due date, this Court notified Appellant on February 10, 2015, that the brief was past due. The notice warned that if no motion for extension of time to file the brief was received by February 20, 2015, 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 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 February 10, 2015 notice. Accordingly, we *dismiss* the appeal *for want of prosecution*. *See* TEX. R. APP. P. 38.8(a)(1), 42.3(b).

Opinion delivered February 27, 2015.

*Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.*

(PUBLISH)



## COURT OF APPEALS

### TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

#### JUDGMENT

FEBRUARY 27, 2015

NO. 12-14-00243-CV

**IN THE MATTER OF THE MARRIAGE OF RUSTY BURNETT ABNEY  
AND SANDEE CAPRICE ABNEY AND IN THE INTEREST OF  
BREEANA CAPRICE ABNEY AND BRITTON STANLEY ABNEY,  
CHILDREN**

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Appeal from the 3rd District Court  
of Henderson County, Texas (Tr.Ct.No. 2013C-0589)

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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., Hoyle, J. and Neeley, J.*