

NO. 12-15-00080-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

<i>IN THE MATTER OF THE</i>	§	<i>APPEAL FROM THE 354TH</i>
<i>MARRIAGE OF EDSEL A. DIXON</i>		
<i>AND HEATHER D. DIXON, AND IN</i>	§	<i>JUDICIAL DISTRICT COURT</i>
<i>THE INTEREST OF ASHLEY LYNN</i>		
<i>DIXON, A CHILD</i>	§	<i>RAINS COUNTY, TEXAS</i>

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 March 25, 2015, and the clerk's record was filed on May 5, 2015. On June 24, 2015, the appeal was ordered submitted on the clerk's record alone, making Appellant's brief due on July 24, 2015.

Appellant was notified on August 11, 2015, that his brief was due on July 24, 2015, and that neither the brief nor a motion for extension of time had been filed with the court. *See* TEX. R. APP. P. 38.8. Additionally, Appellant was warned that the appeal could be dismissed for want of prosecution if a motion for extension of time was not filed on or before August 21, 2015. *See* TEX. R. APP. P. 38.8(a)(1). Appellant was also notified that the motion must contain a reasonable explanation for his failure to file the brief and a showing that Appellee has not suffered material injury thereby. *See* TEX. R. APP. P. 38.8(a)(1).

The August 21, 2015 deadline has passed, and Appellant has not complied with this court's 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 29, 2016.
Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.

(PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

FEBRUARY 29, 2016

NO. 12-15-00080-CV

**IN THE MATTER OF THE MARRIAGE OF EDSSEL A. DIXON AND HEATHER D.
DIXON, AND IN THE INTEREST OF ASHLEY LYNN DIXON, A CHILD**

Appeal from the 354th District Court
of Rains County, Texas (Tr.Ct.No. 9544)

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.