

NO. 12-20-00155-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***MUKHTAR S. MUTTI,
APPELLANT***

§ APPEAL FROM THE

***V. SPENCER DISTRIBUTING, LLP,
APPELLEE***

§ COUNTY COURT AT LAW

§ ANDERSON COUNTY, TEXAS

***MEMORANDUM OPINION
PER CURIAM***

This appeal is being dismissed for want of prosecution. *See* TEX. R. APP. P. 42.3(b). Appellant, Mukhtar S. Mutti, perfected this appeal on July 13, 2020. The clerk's record was filed on July 17 and Mutti's brief was due on or before August 17. On August 25, this Court notified Mutti that the brief was past due. We further notified Mutti that the appeal may be dismissed for want of prosecution unless a motion for extension of time, containing a reasonable explanation for the failure to file a brief and showing that Appellee has not suffered material injury thereby, is filed no later than September 4.

The September 4 deadline has passed and Mutti has not filed a brief, a motion for leave to file a late brief, or a motion for extension of time. Accordingly, we **dismiss** the appeal for **want of prosecution**. *See* TEX. R. APP. P. 38.8(a)(1), 42.3(b).

Opinion delivered October 14, 2020.

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



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

OCTOBER 14, 2020

NO. 12-20-00155-CV

MUKHTAR S. MUTTI,
Appellant
V.
SPENCER DISTRIBUTING, LLP,
Appellee

Appeal from the County Court at Law
of Anderson County, Texas (Tr.Ct.No. 13404)

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 the 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.