

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-20-00032-CV

CHARLES KENDRICK, Appellant

V.

C. WETHERELL – POLUNSKY UNIT, Appellee

On Appeal from the 411th District Court
Polk County, Texas
Trial Cause No. CIV33394

MEMORANDUM OPINION

On January 8, 2020, the trial court signed an order dismissing appellant’s suit as frivolous. *See* Tex. Civ. Prac. & Rem. Code Ann. § 14.003(b)(4). Appellant filed a notice of appeal but failed to file a brief. On April 16, 2020, we notified the parties that the appellant’s brief was past due and warned that if the brief and a motion for extension of time were not filed, the case would be submitted to the Court on the record alone. The Clerk also notified the parties that submission without briefs could

result in dismissal of the appeal for want of prosecution. On May 4, 2020, we notified the parties that the appeal would be submitted to the Court on the record alone on May 25, 2020.

The Clerk has provided notice to the appellant that the appeal could be dismissed for want of prosecution for failure to comply with the Court's direction. Appellant has failed to comply with the Court's instruction to prosecute the appeal. Accordingly, the appeal is dismissed for want of prosecution. *See* Tex. R. App. P. 42.3.

APPEAL DISMISSED.

PER CURIAM

Submitted on May 25, 2020
Opinion Delivered July 2, 2020

Before McKeithen, C.J., Kreger and Horton, JJ.