

Dismissed and Opinion filed July 27, 2000.



In The

Fourteenth Court of Appeals

NO. 14-00-00180-CV

RAY KELLER, Appellant

V.

WILLERD H. SPANKUS, M.D., ET AL., Appellees

**On Appeal from the 190th District Court
Harris County, Texas
Trial Court Cause No. 99-35457A**

OPINION

This is an appeal from a judgment signed November 22, 1999. The clerk's record was filed on April 28, 2000. No reporter's record was taken. No brief was filed.

On July 12, 2000, appellees filed a motion to dismiss the appeal for want of prosecution. *See* TEX. R. APP. P. 42.3(b). In that same motion, appellees requested sanctions under rule 45 alleging the appeal was frivolous. *See* TEX. R. APP. P. 45.

On the same day appellees filed their motion, notification was transmitted to all parties

of the Court's intent to dismiss the appeal for want of prosecution. *See* TEX. R. APP. P. 42.3(b).

On July 19, 2000, appellant filed a motion to retain; however, appellant's motion demonstrates no reasonable explanation for failure to timely file appellant's brief or a motion for extension of time.

Therefore, appellees' motion to dismiss is granted. However, we deny appellees' request for sanctions for frivolous appeal.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgement rendered and Opinion filed July 27, 2000.

Panel consists of Justices Amidei, Anderson, and Frost. .

Do Not Publish – *See* TEX. R. APP. P. 47.3(b).