

COURT OF APPEALS FOR THE FIFTH DISTRICT OF TEXAS AT DALLAS

Michael D. Rodgers Sr. v. Bank of America, N.A.

Rodgers v. Bank of America · No. 05-13-00357-CV · Decided September 24, 2013

SUMMARY

The Fifth District Court of Appeals of Texas granted Bank of America, N.A.'s motion to dismiss the appeal as moot and for failure to prosecute. The court dismissed the appeal because the appellant had not responded to the motion or filed the required brief, and awarded appellate costs to the appellee.

OPINION

PER CURIAM.

Dismiss and Opinion Filed September 24, 2013 S In The Court of Appeals Fifth District of Texas at Dallas No. 05-13-00357-CV MICHAEL D. RODGERS SR., Appellant V. BANK OF AMERICA, N.A., Appellee On Appeal from the County Court at Law No. 2 Dallas County, Texas Trial Court Cause No. CC-13-00429-B MEMORANDUM OPINION Before Justices Bridges, Fillmore, and Lewis Opinion Per Curiam The Court has before it appellee's September 9, 2013 motion to dismiss appeal as moot and for failure to prosecute.

Appellant has not responded to the motion nor filed his brief, which was due on May 1, 2013. The Court accordingly GRANTS the motion and DISMISSES this appeal. See TEX. R. APP. P. 42.3. 130357F.P08 PER CURIAM S Court of Appeals Fifth District of Texas at Dallas JUDGMENT MICHAEL D. RODGERS SR., Appellant On Appeal from the County Court at Law No. 2, Dallas County, Texas No. 05-13-00357-CV V. Trial Court Cause No. CC-13-00429-B.

Opinion delivered Per Curiam. Justices BANK OF AMERICA, N.A., Appellee Bridges, Fillmore and Lewis sitting for the Court. In accordance with this Court's opinion of this date, this appeal is DISMISSED. It is ORDERED that appellee BANK OF AMERICA, N.A. recover its costs of this appeal from appellant MICHAEL D. RODGERS SR. Judgment entered September 24, 2013 /David L. Bridges/ DAVID L. BRIDGES JUSTICE 130357.docx -2-