

**BEFORE THE BOARD OF DISCIPLINARY APPEALS**  
**Appointed By**  
**THE SUPREME COURT OF TEXAS**

**PHILLIP E. LAYER**

**V.**

**COMMISSION FOR  
LAWYER DISCIPLINE OF THE  
STATE BAR OF TEXAS**

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**CAUSE NO. 38096**

**ORDER DISMISSING APPEAL FOR WANT OF PROSECUTION**

On this day came on to be heard the Board of Disciplinary Appeals' own motion to dismiss, for want of prosecution, the above appeal filed by Phillip E. Layer. After reviewing the papers filed in the matter, the Board finds that the Appellant filed his appeal on July 6, 2006. The clerk's record and the reporter's record from the evidentiary hearing were due to be filed on or before August 6, 2006. The clerk's record was filed with the Board on July 21, 2006. No reporter's record was filed. The Appellant's brief was due on or before September 5, 2006. The Board issued a Show Cause Order to Appellant on November 9, 2006, giving the Appellant thirty days to show cause why this matter should not be dismissed. In reply, the Appellant filed a Response to Order to Show Cause and Request for Extension of Time to File Brief. The Appellant's request was granted, with the Appellant's brief being due on January 16, 2007. The Appellant's brief has not been filed, and Appellant has not requested an extension of time to file his brief.

This Board issued a Second Order to Show Cause to Appellant on February 5, 2007, giving Appellant 30 days to respond and show cause as to why this appeal should not be dismissed for want of prosecution. The Appellant did not respond.

**IT IS THEREFORE ORDERED** that this appeal is hereby **DISMISSED** for want of prosecution with prejudice to refile.

**SIGNED** this 28<sup>th</sup> day of March 2007.

*Karen L. Watkins*

CHAIR PRESIDING