

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

EVERETT J. McCLAIN

v.

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

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CAUSE NO. 35892

ORDER DISMISSING APPEAL FOR WANT OF PROSECUTION

On this day came on to be heard the Board of Disciplinary Appeals' own motion to dismiss the above appeal filed by Appellant, Everett J. McClain, in State Bar of Texas cause number H0060417823, BODA Cause No. 35892 for want of prosecution.

After reviewing the papers filed in the matter, the Board finds that the Appellant filed the notice of appeal on August 16, 2005. The clerk's record and the reporter's record from the evidentiary hearing were due to be filed on or before September 15, 2005. The Office of the Chief Disciplinary Counsel of the State Bar of Texas ("CDC") filed the clerk's record with the Board on September 14, 2005. The Appellant did not file the reporter's record. The Appellant's brief was due on or before October 17, 2005. The Appellant's brief has not been filed, and Appellant has not requested an extension of time to file his brief.

An Order Show Cause was issued on January 10, 2006 giving the Appellant thirty (30) days to show cause why the 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 2 day of March 2006.



CHAIRMAN PRESIDING