

Dismissed and Memorandum Opinion filed May 27, 2010.



In The

**Fourteenth Court of Appeals**

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NO. 14-10-00283-CV

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**IRWIN PALCHICK, Appellant**

**V.**

**CEDYCO CORPORATION, Appellee**

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**On Appeal from the 61st District Court  
Harris County, Texas  
Trial Court Cause No. 2009-72103**

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**MEMORANDUM OPINION**

According to the notice of appeal, this is an attempted appeal from an interlocutory order granting a new trial signed March 11, 2010. An order granting a new trial is a not an appealable interlocutory order. *Fruehauf Corp. v. Carrillo*, 848 S.W.2d 83, 84 (Tex. 1993) (per curiam). No clerk's record has been filed, however, and this court has been unable to ascertain whether it has jurisdiction over the appeal. The clerk responsible for preparing the record informed the court that appellant did not make arrangements to pay for the record.

On April 23, 2010, notification was transmitted to all parties of the court's intention to dismiss the appeal for want of prosecution unless, within fifteen days, appellant paid or made arrangements to pay for the record and provided this court with proof of payment. *See* Tex. R. App. P. 37.3(b). No response was filed.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Yates and Boyce.