

Court Of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

No. 04-10-00314-CV

Kevin **LOUDON**,
Appellant

v.

Rayne **LOUDON**,
Appellee

From the 131st Judicial District Court, Bexar County, Texas
Trial Court No. 2008-CI-19934
Honorable David A. Berchelmann Jr., Judge Presiding

PER CURIAM

Sitting: Catherine Stone, Chief Justice
Karen Angelini, Justice
Marialyn Barnard, Justice

Delivered and Filed: July 28, 2010

DISMISSED

On April 22, 2010, appellant Kevin Loudon filed a notice of appeal from the trial court's judgment signed February 12, 2010. Appellant timely filed a motion for new trial, so the record was due June 14, 2010, one hundred and twenty (120) days after the judgment was signed. *See* TEX. R. APP. P. 35.1(a). On June 23, 2010, the District Clerk of Bexar County filed a notification stating the clerk's record would not be filed because appellant had not paid or made arrangements to pay the

clerk's fee to prepare the record and is not entitled to appeal without paying the fee. On June 24, 2010, we ordered appellant to provide written proof to this court on or before July 6, 2010, that either (1) the clerk's fee has been paid or arrangements had been made to pay the clerk's fee; or (2) he is entitled to appeal without paying the clerk's fee. We cautioned appellant that if he failed to respond within the time provided, his appeal would be dismissed for want of prosecution. *See* TEX. R. APP. P. 37.3(b). Appellant has not filed a response.

We therefore **order** this appeal dismissed for want of prosecution. We further **order** that appellee, Rayne Loudon, recover her costs in this appeal from appellant.

PER CURIAM