

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



**MEMORANDUM OPINION**

No. 04-10-00580-CV

In the **INTEREST OF S.C.M., J.L.M., & J.N.M.**, Children

From the 216th Judicial District Court, Bandera County, Texas

Trial Court No. FL-09-051

Honorable N. Keith Williams, Judge Presiding

PER CURIAM

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

Delivered and Filed: November 24, 2010

DISMISSED

A notice of appeal from the trial court's July 30, 2010 termination order was filed in this court on August 6, 2010. Because we were not provided a copy of the notice of appeal file-stamped in the trial court, we set a record due date of August 16, 2010, ten days after the notice of appeal was filed in this court. *See* TEX. R. APP. P. 35.1(b). On August 31, 2010, the District County Clerk of Bandera 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 September 8, 2010, we ordered appellant to provide written proof to this court on or before October 25, 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, Texas Department of Family & Protective Services, recover its costs in this appeal from appellant.

PER CURIAM