



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-16-00638-CV

CON-CORP CONSTRUCTION, L.L.C.,
Appellant

v.

J.D. COLLISION EXPRESS, L.L.C.,
Appellee

From the 166th Judicial District Court, Bexar County, Texas
Trial Court No. 2016CI07146
Honorable David A. Canales, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice
Luz Elena D. Chapa, Justice
Jason Pulliam, Justice

Delivered and Filed: December 7, 2016

DISMISSED

On September 29, 2016, appellant, Con-Corp Construction, L.L.C. filed a notice of appeal from the trial court's judgment signed August 30, 2016. The clerk's record was due October 31, 2016, but it was not filed. On November 1, 2016, the trial court clerk 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 November 4, 2016, we ordered appellant to provide written proof to this court on or before November 14, 2016, that either (1) the clerk's fee has been paid or arrangements had been made

to pay the clerk's fee; or (2) appellant is entitled to appeal without paying the clerk's fee. We advised that if appellant failed to respond within the time provided, this appeal would be dismissed. *See* TEX. R. APP. P. 37.3(b); 42.3(c). Appellant has not filed a response and the clerk's record has not been filed.

We therefore **order** this appeal dismissed.

PER CURIAM