

NO. 07-03-00316-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL A
OCTOBER 10, 2003

ESTELLA RODRIGUEZ, APPELLANT

V.

DONALD C. FRIETAG, M.D., APPELLEE

FROM THE 106TH DISTRICT COURT OF LYNN COUNTY;
NO. 02-0806016; HONORABLE CARTER TINSLEY SCHILDKNECHT, JUDGE

Before JOHNSON, C.J., and REAVIS and CAMPBELL, JJ.

MEMORANDUM OPINION

Appellant Estella Rodriguez filed a notice of appeal challenging the trial court's order signed April 22, 2003. On September 4, 2003, the trial court clerk filed a motion for extension of time in which to file the clerk's record citing, among other reasons, appellant's failure to pay or make arrangements to pay for the record. By letter dated September 5,

2003, the motion was granted extending the deadline to September 26, 2003. By that same letter, appellant's counsel, Mr. David Martinez, was directed to certify to this Court on or before September 25, 2003, whether he had complied with Rules 34.5(10) and 35.3(a)(2) of the Texas Rules of Appellate Procedure, noting that failure to do so might result in dismissal of the appeal. See Tex. R. App. P. 37.3(b). Mr. Martinez did not respond and the clerk's record has not been filed.

Accordingly, the appeal is hereby dismissed for want of prosecution.

Don H. Reavis
Justice