



**In The  
Court of Appeals  
Sixth Appellate District of Texas at Texarkana**

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No. 06-14-00038-CV

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GARY WAYNE MOORE, Appellant

V.

EMALENA FAY MESTEL, Appellee

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On Appeal from the 336th District Court  
Fannin County, Texas  
Trial Court No. PO-13-41485

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Before Morriss, C.J., Carter and Moseley, JJ.  
Memorandum Opinion by Justice Moseley

## MEMORANDUM OPINION

Gary Wayne Moore, appellant, filed a notice of appeal in this matter on May 5, 2014. Both the clerk's and reporter's records were due to be filed with this Court on or before April 17, 2014. Neither of the records has been filed, and there is no indication that Moore has paid or made arrangements for payment of the fees associated with their preparation. Further, Moore has not tendered the mandatory \$195.00 filing fee associated with the appeal.

“A party who is not excused by statute or these rules from paying costs must pay—at the time an item is presented for filing—whatever fees are required by statute or Supreme Court order. The appellate court may enforce this rule by any order that is just.” TEX. R. APP. P. 5; *see* TEX. R. APP. P. 20.1(c). Similarly, unless otherwise excused, an appellant must either pay or make arrangements for the payment of the fees related to preparation of the appellate record to ensure that the record is timely filed. TEX. R. APP. P. 35.3(a) (2), (b)(3); *see* TEX. R. APP. P. 20.1(c), 37.3(b).

By letter dated May 19, 2014, and pursuant to Rules 37.3(b) and 42.3(b) of the Texas Rules of Appellate Procedure, our clerk's office provided Moore with notice of and an opportunity to cure these defects. *See* TEX. R. APP. P. 37.3(b), 42.3(b). The clerk's letter further warned Moore that if he did not submit an adequate response to our defect letter within ten days of the date of the letter, his appeal would be subject to dismissal for want of prosecution. *Id.* We have received no communication from Moore responsive to the May 19 correspondence from our clerk's office, and we have received neither the required filing fee nor the appellate record.

Pursuant to Rules 37.3(b) and 42.3(b) of the Texas Rules of Appellate Procedure, we dismiss this appeal for want of prosecution.

Bailey C. Moseley  
Justice

Date Submitted: June 12, 2014  
Date Decided: June 13, 2014