



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

No. 06-16-00024-CV

IN THE INTEREST OF V.M.H.,
R.L.H., E.A.H., AND J.T.H., CHILDREN

On Appeal from the 413th District Court
Johnson County, Texas
Trial Court No. D201305120

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

MEMORANDUM OPINION

Michelle M. Helton, appellant, filed a notice of appeal in this matter on March 31, 2016.¹ The clerk's record in this appeal was due to be filed with this Court on or before June 29, 2016. That record has not been filed. There is no indication that Helton has paid for or made payment arrangements to secure the clerk's record. Additionally, Helton has not paid the filing fee for this appeal. *See* TEX. R. APP. P. 5.

Unless otherwise excused, a non-indigent 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); *see* TEX. R. APP. P. 20.1(c), 37.3(b).

By letter dated July 18, 2016, and pursuant to Rules 37.3(b) and 42.3(b) and (c) of the Texas Rules of Appellate Procedure, our clerk's office provided Helton with notice of and an opportunity to cure these defects. *See* TEX. R. APP. P. 37.3(b), 42.3(b), (c). The clerk further warned Helton that if he did not adequately address the noted defects, then his appeal would be subject to dismissal for want of prosecution. *Id.* We have received no communication from Helton responsive to the July 18 correspondence from our clerk's office, and we have not received the clerk's record. The filing fee also remains unpaid.

¹Originally appealed to the Tenth Court of Appeals, this case was transferred to this Court by the Texas Supreme Court pursuant to its docket equalization efforts. *See* TEX. GOV'T CODE ANN. § 73.001 (West 2013). We are unaware of any conflict between precedent of the Tenth Court of Appeals and that of this Court on any relevant issue. *See* TEX. R. APP. P. 41.3.

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

Bailey C. Moseley
Justice

Date Submitted: August 16, 2016
Date Decided: August 17, 2016