



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

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No. 06-17-00095-CV

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RICKY CARL KELLIS, Appellant

V.

TIFFANY RENE SMITH, Appellee

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On Appeal from the 402nd District Court  
Wood County, Texas  
Trial Court No. 2015-049

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

## MEMORANDUM OPINION

Ricky Carl Kellis filed a notice of appeal in this matter on September 20, 2017. The record was due to be filed with this Court on or before October 23, 2017. On or around October 23, both the district clerk and the court reporter who recorded the trial court proceedings in this matter informed our clerk's office that no payment and no arrangement for payment for the record's preparation had been made by Kellis.

Kellis is not indigent and is, therefore, responsible for payment of the fees related to preparation of the appellate record. *See* TEX. R. APP. P. 20.1; 35.3(a)(2), (b)(3); 37.3(b), (c). By letter dated November 2, 2017, and pursuant to Rules 37.3 and 42.3 of the Texas Rules of Appellate Procedure, we notified Kellis of this defect and provided him an opportunity to cure it. Further, we warned Kellis that, if we did not receive an adequate response to our defect letter within ten days of the date of the letter, this appeal would be subject to dismissal for want of prosecution. *See* TEX. R. APP. P. 37.3(b), (c); 42.3(b).

We have received no communication from Kellis responsive to our November 2 correspondence. Consequently, this appeal is ripe for dismissal. Pursuant to Rule 37.3, subsections (b) and (c), and Rule 42.3(b), we dismiss this appeal for want of prosecution. *See id.*

Ralph K. Burgess  
Justice

Date Submitted: November 29, 2017  
Date Decided: November 30, 2017