



**IN THE
TENTH COURT OF APPEALS**

No. 10-10-00282-CV

IN THE INTEREST OF T.J.K., A CHILD,

**From the 413th District Court
Johnson County, Texas
Trial Court No. D200805464**

MEMORANDUM OPINION

Appellant's parental rights to his son T.J.K. were terminated in a private (non-governmental) action. In a letter order dated September 14, 2010, the Court denied without prejudice Appellant's motion to be designated an indigent.

Thereafter, by letter dated September 27, 2010, the Clerk of this Court notified Appellant that the clerk's record in the above cause had apparently not been filed because Appellant had failed to pay or make arrangements to pay the clerk's fee for preparation of the record. Appellant was further notified that if he desired to proceed with this appeal, he must pay or make arrangements to pay the clerk's fee and notify this Court of the actions taken within 21 days after the date of this letter. Appellant was warned that if he failed to do so, this appeal may be dismissed for want of prosecution.

See TEX. R. APP. P. 37.3(b).

More than 21 days have passed, and we have not been notified that Appellant has paid or made arrangements to pay the clerk's fee. Accordingly, this appeal is dismissed for want of prosecution. See TEX. R. APP. P. 37.3(b); 42.3(b).

REX D. DAVIS
Justice

Before Chief Justice Gray,
Justice Reyna, and
Justice Davis
(Chief Justice Gray dissents with a note)*

Dismissed
Opinion delivered and filed November 24, 2010
[CV06]

*(Chief Justice Gray dissents. A separate opinion will not issue. He notes, however, he does not believe it is too late for Appellant to establish his indigence so that he can proceed without the advance payment of cost. The Court's notices to Appellant did not inform him of this. Rather, the Court's notice informed him he must pay or make arrangements to pay cost for the record. It failed to mention the option of establishing his poverty. If we are going to explain the options available to litigants in our notices, the notices should be complete and explain all the options. The referenced notice did not and therefore he dissents.)