

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-16-00079-CV

Tiffany Ann Aliano, Appellant

v.

Joseph William Burks, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 419TH JUDICIAL DISTRICT
NO. D-1-FM-13-003836, HONORABLE TIM SULAK, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Tiffany Ann Aliano filed her notice of appeal on February 8, 2016. We notified her that she was required to make a written request and arrangements to pay for the clerk's record and the reporter's record within ten days from his receipt of our letter. The clerk's record from the trial court was due to be filed in this Court on March 8.

On March 28, this Court notified Aliano that no clerk's record had been filed due to her failure to pay or make arrangements to pay the fee for preparing the clerk's record. The Court's notice requested that Aliano make arrangements for the clerk's record and submit a status report regarding this appeal by April 7. In addition, the notice informed Aliano that her appeal was subject to dismissal if she did not comply with our instructions. To date, Aliano has not filed a status report or otherwise responded to this Court's notice, and the clerk's record has not been filed.

If the trial court's clerk fails to file the clerk's record due to appellant's failure to pay or make arrangements to pay for the clerk's fee for preparing the record, the appellate court may

dismiss the appeal for want of prosecution unless the appellant was entitled to proceed without payment of costs. Tex. R. App. P. 37.3(b). In this case, Aliano has not established that she is entitled to proceed without payment of costs, *see* Tex. R. App. P. 20.1 (providing procedure for establishing indigence on appeal), and she has failed to pay or make arrangements to pay the clerk's fee for preparing the clerk's record. We therefore dismiss the appeal for want of prosecution. *See* Tex. R. App. P. 42.3(b).

Cindy Olson Bourland, Justice

Before Chief Justice Rose, Justices Pemberton and Bourland

Dismissed for Want of Prosecution

Filed: May 25, 2016