

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-16-00707-CV**

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**Janay Poythress, Appellant**

**v.**

**Deerfield Apartments, Appellee**

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**FROM THE COUNTY COURT AT LAW NO. 1 OF TRAVIS COUNTY  
NO. C-1-CV-16-008276, HONORABLE TODD T. WONG, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

On October 14, 2016, appellant Janay Poythress filed her notice of appeal in the trial court, along with a Statement of Inability to Afford Payment of Court Costs. *See* Tex. R. Civ. P. 145. The trial court clerk also provided us with an order signed by the trial court on October 25, sustaining a contest to appellant's Statement of Inability. *See id.* R. 145(f). Appellant did not file a motion asking us to review that order. *See id.* R. 145(g)(2) (motion for review must be filed within ten days of court's order, and deadline may be extended by up to fifteen days by court of appeals). After an inquiry into the status of the clerk's record, the trial court clerk informed us that appellant had not paid for the record and that it would be filed upon receipt of payment. On December 19, we sent appellant notice that the record had not been filed, asking her to respond by December 29 and warning her that the appeal would be subject to dismissal if she did not file a timely response.

To date, appellant has not responded to our communication, nor has the clerk's record been filed.

We therefore dismiss the appeal for want of prosecution. *See* Tex. R. App. P. 42.3(b).

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David Puryear, Justice

Before Justices Puryear, Pemberton and Goodwin

Dismissed for Want of Prosecution

Filed: January 19, 2017