



NUMBER 13-09-00485-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

BILLY R. AND NORMA OUSLEY,

APPELLANTS,

v.

MATTHEW G. AND DONNA S. MIESZKOWSKI,

APPELLEES.

**On Appeal from the County Court
of Goliad County, Texas.**

MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Yañez and Vela
Memorandum Opinion Per Curiam**

Appellants, Billy R. and Norma Ousley, perfected an appeal from a judgment rendered against them in favor of appellees, Matthew G. and Donna S. Mieszkowski. On November 4, 2009, the Clerk of this Court notified appellants that the clerk's record in the above cause was originally due on October 19, 2009, and that the county clerk, Mary Ellen

Flores, had notified this Court that appellants failed to make arrangements for payment of the clerk's record. The Clerk of this Court notified appellants of this defect so that steps could be taken to correct the defect, if it could be done. See TEX. R. APP. P. 37.3, 42.3(b),(c). Appellants were advised that, if the defect was not corrected within ten days from the date of receipt of this notice, the appeal would be dismissed for want of prosecution.

On December 7, 2009, appellees filed a motion to dismiss based on appellants' failure to make arrangements for payment of the clerk's record. Appellants have failed to respond to this Court's notice. Accordingly, appellees' motion is GRANTED and the appeal is DISMISSED FOR WANT OF PROSECUTION. See TEX. R. APP. P. 42.3(b), (c).

PER CURIAM

Delivered and filed the 17th
day of December, 2009.