



NUMBER 13-10-00319-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

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MARCO A. GARZA,

APPELLANT,

v.

ELENA V. VETLUZHSHIKH GARZA,

APPELLEE.

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On Appeal from the 389th District Court  
of Hidalgo County, Texas.

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## MEMORANDUM OPINION

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

Appellant, Marco A. Garza, appealed a judgment entered by the 389th District Court of Hidalgo County, Texas. On June 9, 2010 and July 2, 2010, the Clerk of this Court notified appellant that the notice of appeal failed to comply with Texas Rule of Appellate Procedure 9.5(e) and 25.1(d)(2). See TEX. R. APP. P. 9.5(e), 25.1(d)(2). The

Clerk directed appellant to file an amended notice of appeal with the district clerk's office within 30 days from the date of that notice.

On October 13, 2010, the Clerk notified appellant that the defect had not been corrected and warned appellant that the appeal would be dismissed if the defect were not cured within ten days. To date, the defect has not been corrected. See TEX. R. APP. P. 42.3(b),(c).

Additionally, on October 13, 2010, the Clerk of this Court notified appellant, in accordance with Texas Rule of Appellate Procedure 42.3(c), that we would dismiss this appeal unless the \$175.00 filing fee was paid. See *id.* 42.3(c). Appellant has not responded to the notice from the Clerk or paid the \$175.00 filing fee. See TEX. R. APP. P. 5, 12.1(b).

The Court, having considered the documents on file, appellant's failure to correct these defects, and failure to pay the filing fee, is of the opinion that the appeal should be dismissed. See *id.* 42.3(b),(c). Accordingly, the appeal is DISMISSED for want of prosecution.

PER CURIAM

Delivered and filed the  
18th day of November, 2010.