



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

DANIEL SMITH,	§	No. 08-15-00073-CV
	§	
APPELLANT,	§	Appeal from the
	§	
V.	§	County Court at Law No. 2
	§	
SCHWARTZ PROPERTIES, LLC	§	of Denton County, Texas
	§	
APPELLEE.	§	(TC# CV-2014-02613)
	§	

MEMORANDUM OPINION

This appeal is before the Court on its own motion to determine whether it should be dismissed for want of prosecution. Finding that the clerk's record has not been filed due to the fault of the Appellant, Daniel Smith, we dismiss the appeal for want of prosecution.

Unless otherwise excused, a non-indigent appellant must either pay for or make arrangements for the payment of the fees related to preparation of the appellate record to ensure that the record is timely filed. TEX.R.APP.P. 35.3(a)(2), (b)(3); *see* TEX.R.APP.P. 20.1(c); 37.3(b), (c). The clerk's record was due to be filed on July 1, 2015. The Denton County Clerk notified the Court that the clerk's record would not be filed because Appellant has not made financial arrangements for the preparation of the clerk's record.

In accordance with Rule 37.3(b), the Clerk of the Court notified Appellant by letter regarding his failure to make financial arrangements to pay for the clerk's record and advised

him that the appeal would be dismissed for want of prosecution unless he responded within ten days and showed grounds for continuing the appeal. *See* TEX.R.APP.P. 37.3(b). Appellant has not filed any written response or otherwise showed that grounds exist for the appeal to be continued. Pursuant to Rules 37.3(b), we dismiss the appeal for want of prosecution. *See* TEX.R.APP.P. 37.3(b)(authorizing appellate court to dismiss appeal for want of prosecution if the clerk's record is not filed because appellant failed to make payment arrangements for preparation of the clerk's record).

July 24, 2015

YVONNE T. RODRIGUEZ, Justice

Before McClure, C.J., Rodriguez, and Hughes, JJ.