



COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
EL PASO, TEXAS

SUSAN COCHRAN,	§	No. 08-15-00181-CV
	§	
Appellant,	§	Appeal from the
	§	
V.	§	109th District Court
	§	
WILLIAM SHANE COCHRAN	§	of Andrews County, Texas
	§	
Appellee.	§	(TC# 19,636)
	§	

**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 Appellant, Susan Cochran, has failed to pay the case filing fee, and further finding that the clerk's record has not been filed due to the fault of the Appellant, we dismiss the appeal for want of prosecution.

The trial court entered a final decree of divorce on May 11, 2015 and Appellant timely filed notice of appeal. Appellant did not, however, pay the case filing fee of \$195 or establish that she is indigent in accordance with TEX.R.APP.P. 20.1. On July 13, 2015, the Clerk of the Court sent Appellant a second request for payment of the case filing fee. The letter also notified Appellant that failure to pay the case filing fee within ten days could result in dismissal of the appeal for want of prosecution pursuant to TEX.R.APP.P. 42.3(b) and (c). Appellant has not paid the filing fee or otherwise responded to our notice.

Appellant has also failed to pay for the clerk's record. 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 10, 2015. The Andrews County District 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 her failure to make financial arrangements to pay for the clerk's record and advised her that the appeal would be dismissed for want of prosecution unless she 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. We therefore dismiss the appeal for want of prosecution due to Appellant's failure to pay the case filing fee or the fee for preparation of the clerk's record. *See* TEX.R.APP.P. 5, 37.3(b), 42.3(b), (c).

July 31, 2015

YVONNE T. RODRIGUEZ, Justice

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