



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

VERN BAUER AND JOELLA	§	No. 08-15-00292-CV
JACOBSON,	§	
	§	Appeal from the
APPELLANTS,	§	17th District Court
V.	§	of Tarrant County, Texas
FOREST RIVER, INC.,	§	(TC#017-273447-14)
APPELLEE.	§	

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 Appellants, Vern Bauer and Joella Jacobson, 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 October 10, 2015. The Tarrant County District Clerk notified the Court that the clerk's record would not be filed because Appellants have not made financial arrangements for preparation of the clerk's record. In accordance with Rule 37.3(b), the Clerk of the Court notified Appellant by letter regarding their failure to make

financial arrangements to pay for the clerk's record and advised Appellants that the appeal would be dismissed for want of prosecution unless they responded within ten days and showed grounds for continuing the appeal. *See* TEX.R.APP.P. 37.3(b). Appellants have not filed any written response or otherwise showed that grounds exist for the appeal to be continued. Pursuant to Rules 37.3(b) and 42.3(b) and (c), we dismiss the appeal for want of prosecution. *See* TEX.R.APP.P. 37.3(b), 42.3(b), (c).

October 30, 2015

YVONNE T. RODRIGUEZ, Justice

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