



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

JOHN R. MEREDITH,	§	No. 08-16-00204-CV
	§	
Appellant,	§	Appeal from
	§	
v.	§	98th District Court
	§	
MARILYN JEAN,	§	of Travis County, Texas
	§	
Appellee.	§	(TC # D-1-GN-15-004979)
	§	

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, John R. Meredith, 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. 37.3(b), (c). The clerk's record was due to be filed on September 26, 2016. The Bell County District Clerk notified the Court that the clerk's record would not be filed because Appellant had not made financial arrangements to pay for the 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 Appellant 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) 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).

January 4, 2017

ANN CRAWFORD McCLURE, Chief Justice

Before McClure, C.J., Rodriguez, and Hughes, JJ.
Hughes, J., not participating