



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

ZUZANA REYES A/K/A ZUZANA	§	No. 08-19-00089-CV
HLUSKOVA,	§	
	§	Appeal from the
Appellant,	§	388th District Court
v.	§	of El Paso County, Texas
NELSON GONZALES REYES,	§	(TC# 2014DCM0466)
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 because Appellant has failed to make financial arrangements to pay for the preparation and filing of the clerk's record, we dismiss the appeal for want of prosecution.

On May 14, 2019, the trial court entered an order finding that Appellant is able to afford to pay costs on appeal. When Appellant did not timely file a motion to challenge or extension motion pursuant to TEX.R.CIV.P. 145(g), we issued an order on June 11, 2019, stating that Appellant is not permitted to proceed without paying costs on appeal. Appellant subsequently filed a motion to challenge. Despite the untimeliness of the motion, we reviewed the merits of Appellant's challenge to the trial court's order pursuant to TEX.R.CIV.P. 145(g). By order entered on July 29, 2019, we found that the trial court did not abuse its discretion by concluding that Appellant is able

to afford to pay costs on appeal. Consequently, Appellant is required to pay for the clerk's record. In that same order, we gave Appellant until August 8, 2019 to make financial arrangements to pay for the clerk's record. Further, we advised Appellant that failure to pay for the record could result in dismissal of the appeal. The El Paso County District Clerk notified the Court on August 15, 2019, that Appellant has not made financial arrangements to pay for preparation of the clerk's record as required by TEX.R.APP.P. 35.3(a)(2). We conclude that the clerk's record has not been filed due to the fault of the Appellant. Accordingly, we dismiss the appeal for want of prosecution. *See* TEX.R.APP.P. 37.3(b), 42.3(b).

GINA M. PALAFOX, Justice

August 21, 2019

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