



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

EAST EL PASO PHYSICIANS’ MEDICAL CENTER, LLC, D/B/A FOUNDATION SURGICAL HOSPITAL OF EL PASO,	§	
	§	No. 08-20-00220-CV
Appellant,	§	Appeal from the
v.	§	171st District Court
NUVASIVE, INC.,	§	of El Paso County, Texas
Appellee.	§	(TC# 2018DCV0585)
	§	

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 clerk’s record, we dismiss the appeal for want of prosecution.

The El Paso County District Clerk notified the Court 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). The Clerk of the Court notified Appellant that the Court intended to dismiss the appeal for want of prosecution unless Appellant responded within ten days and showed grounds for continuing the

appeal. *See* TEX.R.APP.P. 37.3(b). Appellant has not filed any response establishing it is entitled to appeal without paying for the clerk's record, nor has Appellant otherwise shown that arrangements to pay for preparation of the clerk's record have been made. 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), (c).

JEFF ALLEY, Justice

February 19, 2021

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