



COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
EL PASO, TEXAS

	§	No. 08-21-00086-CV
	§	Appeal from the
IN THE INTEREST OF H.M.,	§	288th District Court
A Child,	§	of Bexar County, Texas <sup>1</sup>
	§	(TC# 2010-CI-06431)
	§	

**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 Winston Modisette has failed to make financial arrangements to pay for the clerk's record, we dismiss the appeal for want of prosecution.

The 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). On May 21, 2021, the Clerk of this 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). As of this date, Appellant has not filed any

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<sup>1</sup> We hear this case on transfer from the Fourth Court of Appeals. *See* TEX.R.APP.P. 41.3.

response establishing that he is entitled to appeal without paying for the clerk's record or that he has made arrangements to pay for preparation of the clerk's record.

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).

June 28, 2021

YVONNE T. RODRIGUEZ, Chief Justice

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