



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

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| MARY CATHERINE KRENEK, | § | No. 08-22-00143-CV |
| | § | Appeal from the |
| v. | § | 53rd District Court |
| SWINERTON BUILDERS, | § | of Travis County, Texas |
| | § | (TC#D-1-GN-22-001351) |
| Appellee. | | |

MEMORANDUM OPINION

This appeal is before the Court on its own motion to determine whether it should be dismissed for want of prosecution.¹

Finding that the clerk's record has not been filed due to the fault of the Appellant, Mary Catherine Krenek, 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 August 12, 2022.

¹ We hear this case on transfer from the Third Court of Appeals. *See* TEX.R.APP.P. 41.3.

The Travis 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), on August 16, 2022, the Clerk of the Court notified Appellant by letter regarding the 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 a response was received 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).

August 30, 2022

YVONNE T. RODRIGUEZ, Chief Justice

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