

Opinion filed October 8, 2009



In The

Eleventh Court of Appeals

No. 11-09-00215-CV

IN THE MATTER OF THE ESTATE OF JACK HOOKER, DECEASED

**On Appeal from the County Court
Falls County, Texas
Trial Court Cause No. 6972**

MEMORANDUM OPINION

Ralph B. Smith filed a pro se notice of appeal but did not file an affidavit of inability to pay costs on appeal in compliance with TEX. R. APP. P. 20. We dismiss the appeal.

The clerk of the trial court has notified this court twice in writing that Smith has failed to make arrangements to pay for the clerk's record. Pursuant to TEX. R. APP. P. 37.3(a)(1), Smith was given thirty days until September 28, 2009, to correct this situation. As of this date, a clerk's record has not been filed in this court.

The failure to file the clerk's record appears to be due to Smith's actions. Therefore, the appeal is dismissed. TEX. R. APP. P. 37.3(b).

PER CURIAM

October 8, 2009

Panel consists of: Wright, C.J.,
McCall, J., and Strange, J.