

Opinion issued August 22, 2013



In The
Court of Appeals
For The
First District of Texas

NO. 01-12-01061-CV

TOMMY COOPER, Appellant

V.

**DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR
LONG BEACH MORTGAGE LOAN TRUST 2004-1 ASSET-BACKED
SECURITIES CERTIFICATES SERIES 2-4, Appellee**

**On Appeal from the County Court at Law No. 2
Brazoria County, Texas
Trial Court Cause No. CI048302**

MEMORANDUM OPINION

Appellant, Tommy Cooper, has neither established indigence, nor paid, or made arrangements to pay, the fee for preparing the clerk's record. *See* TEX. R.

APP. P. 20.1 (listing requirements for establishing indigence), 37.3(b) (allowing dismissal of appeal for want of prosecution if no clerk's record filed due to appellant's fault). The record in this case was originally due on October 22, 2012. On January 14, 2013, this Court notified appellant that the appeal was subject to dismissal without further notice unless proof that appellant had paid for preparation of the clerk's record was filed in this Court on or before February 4, 2013. No proof that appellant has paid for the clerk's record has been filed. *See* TEX. R. APP. P. 42.3(b) (allowing involuntary dismissal for want of prosecution).

We dismiss the appeal for want of prosecution. We dismiss all pending motions as moot.

PER CURIAM

Panel consists of Chief Justice Radack and Justices Sharp and Massengale.