

Opinion issued October 4, 2016



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-15-00602-CV

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**DAVID RODRIGUEZ, Appellant**  
V.  
**JAMES STAFFORD, Appellee**

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**On Appeal from the 295th District Court  
Harris County, Texas  
Trial Court Cause No. 2013-64247**

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**MEMORANDUM OPINION**

Appellant, David Rodriguez, proceeding pro se, appealed from the trial court's order granting the appellee's motion for summary judgment, signed on June 15, 2015. *See* TEX. R. APP. P. 26.1(a)(1). However, appellant has neither paid nor made arrangements to pay the fee for preparing the clerk's record and he has not

established indigence for purposes of appellate costs. *See* TEX. R. APP. P. 20.1, 37.3(b). After being notified by this Court's Order and Notice of Intent to Dismiss for Want of Prosecution on August 16, 2016, that this appeal was subject to dismissal for failure to pay the required clerk's record fee, appellant did not timely respond. *See* TEX. R. APP. P. 37.3(b), 42.3(b).

### **CONCLUSION**

Accordingly, we dismiss the appeal for nonpayment of all required fees and for want of prosecution. *See* TEX. R. APP. P. 37.3(b), 42.3(b), (c). We dismiss any pending motions as moot.

### **PER CURIAM**

Panel consists of Justices Jennings, Keyes, and Brown.