

Opinion issued August 30, 3018



In The
Court of Appeals
For The
First District of Texas

NO. 01-18-00557-CR

MIGUEL RODRIGUEZ, Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the 403rd District Court
Travis County, Texas
Trial Court Case No. D-1-DC-204082

MEMORANDUM OPINION

Appellant, Miguel Rodriguez, has filed a notice of appeal of “the Final Judgment and Sentence entered” on May 15, 2018.¹

¹ Pursuant to its docket equalization authority, the Supreme Court of Texas, transferred the appeal to this Court from the Third Court of Appeals. *See Misc.*

We dismiss the appeal for want of prosecution.

The appellate record was due to be filed in this Court by July 16, 2018. *See* TEX. R. APP. P. 4.1, 34.1, 35.2(a). On July 23, 2018, the trial court clerk notified the Clerk of this Court that appellant had been notified of the cost for preparation of the clerk's record, "no payment or arrangements to make payment [had] been received," and the clerk's record was past due "because the payment for the preparation of the record [had] not been received." *See id.* 35.3(a). Accordingly, the Clerk of this Court notified appellant that the trial court clerk responsible for preparing the clerk's record had informed the Court that the clerk's record had not been filed because he had not paid, or made arrangements to pay, for the clerk's record. We further notified appellant that the appeal was subject to dismissal unless, by August 22, 2018, he provided proof that he had paid, or made arrangements to pay, for the clerk's record or was entitled to proceed without payment of costs in this Court. *See id.* 20.2, 37.3(b). Appellant has not responded, and a clerk's record has not been filed in this appeal.

Docket No. 18-9083 (Tex. June 1, 2018); *see also* TEX. GOV'T CODE ANN. § 73.001 (Vernon 2013) (authorizing transfer of cases).

Accordingly, we dismiss the appeal for want of prosecution. *See* TEX. R. APP. P. 37.3(b), 43.2(f); *Sutherland v. State*, 132 S.W.3d 510, 512 (Tex. App.—Houston [1st Dist.] 2004, no pet.). We dismiss all pending motions as moot.

PER CURIAM

Panel consists of Justices Jennings, Higley, and Massengale.

Do not publish. TEX. R. APP. P. 47.2(b).