

Opinion issued August 19, 2021



In The
Court of Appeals
For The
First District of Texas

NO. 01-21-00072-CV

**JAMES P. ARTHUR, MARY ARTHUR, LEGONITE, INC., PARADISE
LIVING, INC., AND ARTHUR HOLDINGS, L.P., Appellants**

V.

JOHN M. RABORN, Appellee

**On Appeal from the 11th District Court
Harris County, Texas
Trial Court Case No. 2020-13849**

MEMORANDUM OPINION

The appellate record in this appeal was due to be filed on or before March 8, 2021. *See* TEX. R. APP. P. 35.1. The clerk's record was not timely filed. On May 4, 2021, the trial court clerk notified the Court that the clerk's record was not filed because appellants, James P. Arthur, Mary Arthur, Legonite, Inc., Paradise

Living, Inc., and Arthur Holdings, L.P. (collectively, “appellants”), had not paid or made arrangements to pay the fee for the preparation of the clerk’s record. *See* TEX. R. APP. P. 35.3(a)(2).

This Court’s records reflect that appellants have neither established indigence for purposes of appellate costs nor arranged to pay the fee for the preparation of the clerk’s record. *See* TEX. R. CIV. P. 145, TEX. R. APP. P. 37.3(b). On May 4, 2021, appellants were notified that this appeal was subject to dismissal if appellants did not submit written evidence that they had paid or made arrangements to pay the fee for the preparation of the clerk’s record, or were otherwise exempt from paying the clerk’s fee, on or before June 3, 2021. Appellants did not adequately respond.

Accordingly, we dismiss the appeal for want of prosecution. *See* TEX. R. APP. P. 37.3(b), 42.3(b), 43.2(f). We dismiss any pending motions as moot.

PER CURIAM

Panel consists of Justices Kelly, Hightower, and Farris.