

Opinion issued August 16, 2022



In The
Court of Appeals
For The
First District of Texas

NO. 01-22-00203-CV

PENNY SMITH, Appellant

V.

**B&G REAL ESTATE PARTNERSHIP, ABRAHAM BABA, AND
NADER GANIM, Appellees**

**On Appeal from the 164th District Court
Harris County, Texas
Trial Court Case No. 2020-17832**

MEMORANDUM OPINION

Appellant Penny Smith has neither established indigence for purposes of court costs nor paid or made arrangements to pay the fee for preparing the clerk's record. *See* TEX. R. CIV. P. 145; TEX. R. APP. P. 37.3(a), (b). On May 4, 2022, we notified Appellant that her appeal could be dismissed for want of prosecution if the

clerk's record was not filed. We advised Appellant that she had to submit written evidence from the trial court clerk that she had paid or made arrangements to pay the fee for preparing the clerk's record by June 2, 2022. To date, Appellant has not responded to this Court's notice and a clerk's record has not been filed. *See* TEX. R. APP. P. 37.3(b), 42.3(b), (c).

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

PER CURIAM

Panel consists of Justices Kelly, Rivas-Molloy, and Guerra.