

Dismissed and Memorandum Opinion filed January 7, 2010.



In The

Fourteenth Court of Appeals

NO. 14-09-00451-CV

VASHAUN XAVIER SCOTT, Appellant

V.

ALICIA MAESHUN WILSON-SCOTT, Appellee

On Appeal from the 245th District Court
Harris County, Texas
Trial Court Cause No. 2008-76274

MEMORANDUM OPINION

This is an attempted appeal from an order of dismissal for want of prosecution signed May 12, 2009. Appellant also challenged the denial of his indigent status. On September 24, 2009, this court ruled that appellant is entitled to appeal without the advance payment of costs. We ordered the Harris County District Clerk to file a complete clerk's record containing the contents listed in Texas Rule of Appellate Procedure 34.5(a), without advance payment of costs, on or before October 23, 2009.

On October 27, 2009, the clerk's record was filed. The record does not contain a notice of appeal from the May 12, 2009, dismissal order. Appellant filed a notice of appeal on May 8, 2009, stating he was appealing the March 26, 2009, order denying his pauper's oath. This notice of appeal is premature and may be effective to appeal the final judgment. *See* Tex. R. App. P. 27.1. A notice of appeal must state the date of the judgment or order being appealed, however. *See* Tex. R. App. P. 26.1(d)(2). Appellant's notice of appeal is defective to appeal the final judgment in this case.

Accordingly, on November 5, 2009, this court ordered appellant to file an amended notice of appeal stating he is appealing the May 12, 2009, final judgment on or before November 23, 2009. Appellant filed no response.

Therefore, the appeal is ordered dismissed. *See* Tex. R. App. P. 42.3(c).

PER CURIAM

Panel consists of Chief Justice Hedges and Justices Anderson and Christopher.