

**Appeal Dismissed and Memorandum Opinion filed December 23, 2021,**



**In The  
Fourteenth Court of Appeals**

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**NO. 14-21-00446-CV**

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**ERNESTINE SOPHIE JIMENEZ, Appellant**

**V.**

**ROSEMARIE Z. LEWIS AND RICHARD LEWIS, Appellees**

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**On Appeal from the County Civil Court at Law No. 3  
Harris County, Texas  
Trial Court Cause Nos. 1044770 & 1044770-002**

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**MEMORANDUM OPINION**

This is an appeal from a judgment signed April 8, 2021 which, according to appellant, resolved the above-numbered trial court proceedings. The notice of appeal was filed August 5, 2021 after a motion for new trial was timely filed after, according to appellant's counsel, she received delayed notice of the judgment.<sup>1</sup>

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<sup>1</sup> Although the timing of the notice of appeal itself may have failed to confer appellate jurisdiction on this court, in the absence of the clerk's record, our lack of jurisdiction cannot be confirmed.

No clerk's record has been filed. The clerk responsible for preparing the record in this appeal informed the court that appellants did not make arrangements to pay for the record. On November 2, 2021, the court notified all parties of the court's intention to dismiss the appeal for want of prosecution unless, by November 17, 2021, appellant made arrangements to pay for the record and provided this court with proof of payment. *See* Tex. R. App. P. 37.3(b). No such proof has been filed.

Accordingly, the appeal is dismissed. *See* Tex. R. App. P. 42.3(c) (allowing involuntary dismissal of case because appellant failed to comply with notice from clerk requiring response or other action within specified time).

PER CURIAM

Panel consists of Chief Justice Christopher and Justices Zimmerer and Hassan.