

Court Of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

No. 04-08-00458-CV

Gabriel ESCOBAR,
Appellant

v.

Eluid **BARRERA** and Katherine Barrera, Individually and d/b/a Rancho Savanna,
Appellees

From the 79th Judicial District Court, Jim Wells County, Texas
Trial Court No. 06-08-44897-CV
Honorable Richard C. Terrell, Judge Presiding

PER CURIAM

Sitting: Phylis J. Speedlin, Justice
Rebecca Simmons, Justice
Steven C. Hilbig, Justice

Delivered and Filed: September 24, 2008

DISMISSED FOR WANT OF PROSECUTION

On August 12, 2008, we notified appellant that the trial court clerk had filed a notification of late clerk's record, stating that the clerk's record has not been filed because appellant has failed to pay or make arrangements to pay the clerk's fee for preparing the record and appellant is not entitled to appeal without paying the fee. We, therefore, ordered appellant to provide written proof to this court on or before August 22, 2008, that either (1) the clerk's fee had been paid or

arrangements had been made to pay the clerk's fee; or (2) appellant is entitled to appeal without paying the clerk's fee. We warned that if appellant failed to respond within the time provided, this appeal will be dismissed for want of prosecution. *See* TEX. R. APP. P. 37.3(b). As of this date, appellant has failed to either comply with or respond to this order. Therefore, we dismiss the appeal. *See* TEX. R. APP. P. 42.3(c). Costs of appeal are taxed against appellant.

PER CURIAM

