

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



**MEMORANDUM OPINION**

No. 04-08-00478-CV

Roberto **RODRIGUEZ**,  
Appellant

v.

Rosa **NILLO**, Individually, and as the Independent Executrix of the Estate of Joseph Nillo,  
Appellee

From the 293rd Judicial District Court, Maverick County, Texas  
Trial Court No. 97-07-14620-CV  
Honorable Cynthia L. Muniz, Judge Presiding

PER CURIAM

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

Delivered and Filed: October 22, 2008

DISMISSED FOR WANT OF PROSECUTION

When appellant filed this appeal, he was required to pay a \$175.00 filing fee. Appellant, however, did not pay the required filing fee; accordingly, the clerk of this court notified appellant by letter of the deficiency and advised him the fee was due by July 28, 2008. On September 17, 2008, when the fee remained unpaid, this court ordered that appellant, not later than October 2, 2008, either: (1) pay the applicable filing fee; or (2) provide written proof to this court that he is excused by statute or the Texas Rules of Appellate Procedure from paying the fee. *See* TEX. R. APP. P. 5;

20.1. The court advised appellant that if he failed to respond satisfactorily within the time ordered, the appeal would be dismissed. *See* TEX. R. APP. P. 42.3.

To date, appellant has neither paid the filing fee nor responded to our order. We therefore order this appeal dismissed for want of prosecution. We further order appellant to bear all costs of this appeal.

PER CURIAM