

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



MEMORANDUM OPINION

No. 04-09-00594-CV

IN THE MATTER OF M.A.G.

From the 289th Judicial District Court, Bexar County, Texas
Trial Court No. 2009-JUV-01723
Honorable Carmen Kelsey, Judge Presiding

PER CURIAM

Sitting: Rebecca Simmons, Justice
Steven C. Hilbig, Justice
Marialyn Barnard, Justice

Delivered and Filed: February 3, 2010

DISMISSED FOR WANT OF PROSECUTION

On October 29, 2009, the court reporter responsible for this cause filed a notification of late record stating that the reporter's record has not been filed because appellant has failed to pay or make arrangements to pay the reporter's fee for preparing the record and appellant is not entitled to appeal without paying the fee.

Therefore, on November 9, 2009 we ordered appellant to provide written proof to this court that either (1) the reporter's fee has been paid or arrangements have been made to pay the reporter's fee; or (2) appellant is entitled to appeal without paying the reporter's fee. We warned appellant that upon failure to respond within the time provided, appellant's brief will be due within thirty (30) days from the date of this order, and we would only consider those issues or

points raised in appellant's brief that do not require a reporter's record for a decision. See TEX. R. APP. P. 37.3(c).

Because we received no response, Appellant's brief was due to be filed with this court on December 9, 2009. No brief was filed. On December 23, 2009, we ordered that appellant show cause in writing within fifteen days why this appeal should not be dismissed for want of prosecution. See TEX. R. APP. P. 38.8(a). We received no response. The appeal is, therefore, dismissed for want of prosecution. See TEX. R. APP. P. 38.8(a)(1), 42.3(b).

PER CURIAM