

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



**MEMORANDUM OPINION**

No. 04-09-00632-CV

Raul **REYES**, Jr.,  
Appellant

v.

Monica **REYES**,  
Appellee

From the 225th Judicial District Court, Bexar County, Texas  
Trial Court No. 2002-CI-01711  
Honorable Jim A. Rausch, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Justice  
Phylis J. Speedlin, Justice  
Rebecca Simmons, Justice

Delivered and Filed: December 23, 2009

DISMISSED FOR WANT OF PROSECUTION

The clerk's record was originally due on September 25, 2009. On October 6, 2009, the trial court clerk filed a Notification of Late Record, stating that the clerk's record is complete, but has not been filed because appellant has failed to pay or make arrangements to pay the clerk's fee for preparing the record and that appellant is not entitled to appeal without paying the fee. On October 20, 2009, this court ordered appellant to provide written proof to this court no later than October 30, 2009 that either (1) the clerk's fee has been paid or arrangements have been made to pay the clerk's

fee; or (2) appellant is entitled to appeal without paying the clerk's fee. Our order cautioned appellant that if he failed to respond within the time provided, this appeal would be dismissed for want of prosecution. *See* TEX. R. APP. P. 37.3(b). Appellant did not respond. Accordingly, on November 16, 2009, this court ordered appellant to show cause in writing no later than November 23, 2009 why this appeal should not be dismissed for want of prosecution. *See* TEX. R. APP. P. 37.3(b), 42.3(b). Appellant has not responded.

This appeal is dismissed for want of prosecution. *See* TEX. R. APP. P. 38.8(a)(1), 42.3(b). Costs of appeal are taxed against appellant.

PER CURIAM