

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



MEMORANDUM OPINION

No. 04-09-00775-CV

Cynthia **ALAQUINEZ**,
Appellant

v.

Albert C. **ALAQUINEZ**,
Appellee

From the 166th Judicial District Court, Bexar County, Texas
Trial Court No. 2007-CI-15504
Honorable David Berchelmann, Judge Presiding

PER CURIAM

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

Delivered and Filed: January 27, 2010

DISMISSED FOR WANT OF PROSECUTION

On December 11, 2009, 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 December 21, 2009, 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).

PER CURIAM