

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



MEMORANDUM OPINION

No. 04-10-00179-CV

Oscar F. **GARZA**, Jr.,
Appellant

v.

Oscar F. **GARZA**, Sr.,
Appellee

From the 37th Judicial District Court, Bexar County, Texas
Trial Court No. 2009-CI-09507
Honorable John D. Gabriel, Jr., Judge Presiding

PER CURIAM

Sitting: Karen Angelini, Justice
Santee Bryan Marion, Justice
Phylis J. Speedlin, Justice

Delivered and Filed: April 7, 2010

DISMISSED FOR WANT OF PROSECUTION

On February 25, 2010, the trial court clerk filed a notification of late record, stating that the appellant had failed to pay or make arrangements to pay the fee for preparing the clerk's record. We, therefore, ordered appellant to provide written proof to this court within ten days of the date of this order that either (1) the clerk's fee had been paid or arrangements had been made to pay the clerk's fee; or (2) appellant was entitled to appeal without paying the clerk's fee. We warned that if

appellant failed to respond within the time provided, this appeal would be dismissed for want of prosecution. Appellant failed to respond. Therefore, we dismiss this appeal for want of prosecution.

See TEX. R. APP. P. 37.3(b).

PER CURIAM