



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-12-00371-CV

Tom **HAAG**, Gary Schwenk and U.S. Axles,
Appellants

v.

BEST USED TRACTORS, LLC,
Appellee

From the 285th Judicial District Court, Bexar County, Texas
Trial Court No. 2011-CI-14177
The Honorable Janet P. Littlejohn, Judge Presiding

PER CURIAM

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

Delivered and Filed: November 7, 2012

DISMISSED FOR WANT OF PROSECUTION

Appellants were required to pay \$175.00 and \$10.00 fees when they filed their notice of appeal. *See* TEX. R. APP. P. 5.¹ Appellants did not pay the required fees. Accordingly, the clerk of this court notified appellants by letter dated June 19, 2012, that the notice of appeal was conditionally filed and the filing fees were due no later than June 29, 2012.

¹ *See also* TEX. GOV'T CODE ANN. §§ 51.207(b)(1), 51.941(a) (West 2005); *id.* §§ 51.208, 51.0051 (West Supp. 2010); Texas Supreme Court Order Regarding Fees Charged in Civil Cases in the Supreme Court and the Courts of Appeals and Before the Judicial Panel on Multidistrict Litigation, Misc. Docket No. 07-9138 (Tex. Aug. 28, 2007), *reprinted in* TEX. R. APP. P. app. A § B.1.(a).

On October 9, 2012, when the fees remained unpaid, this court ordered appellants to provide written proof to this court not later than October 24, 2012, that either (1) the \$175.00 and \$10.00 filing fees have been paid, or (2) the appellants are entitled to appeal without paying the filing fees. *See id.* We warned appellants that if they failed to respond as ordered, the appeal would be dismissed. *See id.* R. 5, 42.3; *In re W.J.C.*, No. 04-05-00532-CV, 2005 WL 3477883, at *1 (Tex. App.—San Antonio Dec. 21, 2005, no pet.) (mem. op.).

To date, appellants have not filed any response with this court. Therefore, we dismiss this appeal for want of prosecution. *See id.* R. 37.3(b), 42.3(c). Costs of this appeal are taxed against appellants. *See id.* R. 43.4.

PER CURIAM