

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



MEMORANDUM OPINION

No. 04-12-00613-CV

Gabriel Gilberto **MARTINEZ**,
Appellant

v.

Annette Aracelie **MARTINEZ**,
Appellee

From the County Court At Law No. 1, Webb County, Texas
Trial Court No. 2006CVG000217 C-1
Honorable Ron Carr, Judge Presiding

PER CURIAM

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

Delivered and Filed: October 31, 2012

DISMISSED FOR WANT OF PROSECUTION

On October 2, 2012, we notified appellant that the trial court clerk filed a notification of late clerk's record stating that the clerk's record has not been filed because (1) appellant has failed to pay or make arrangements to pay the clerk's fee for preparing the record, and (2) appellant is not entitled to appeal without paying the fee. We ordered appellant to provide written proof to this court on or before October 12, 2012, 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. We warned 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).

To date, appellant has 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 appellant. *See id.* R. 43.4.

PER CURIAM