



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-12-00664-CV

In the **MATTER OF THE ESTATE OF Leo L. BLOCK**, Deceased

From the Probate Court No. 1, Bexar County, Texas
Trial Court No. 2009-PC-2661
Honorable Polly Jackson Spencer, Judge Presiding

PER CURIAM

Sitting: Marialyn Barnard, Justice
Rebeca C. Martinez, Justice
Patricia O. Alvarez, Justice

Delivered and Filed: January 9, 2013

DISMISSED FOR WANT OF PROSECUTION

On October 12, 2012, appellant Stephen W. Boyd filed a notice of appeal from the trial court's judgment signed July 26, 2012. The clerk's record was due November 26, 2012, one hundred and twenty days after the judgment was signed. TEX. R. APP. P. 35.1(a). On November 30, 2012, the District Clerk of Bexar County filed a notification stating the clerk's record would not be filed because appellant had not paid or made arrangements to pay the clerk's fee to prepare the record and is not entitled to appeal without paying the fee. On December 7, 2012, we ordered appellant to provide written proof to this court on or before December 17, 2012, that either (1) the clerk's fee has been paid or arrangements had been made to pay the clerk's fee; or (2) he is entitled to appeal without paying the clerk's fee. We cautioned appellant that if he failed to respond within the time provided, his appeal would be dismissed for want of

prosecution. *See* TEX. R. APP. P. 37.3(b). On December 14, 2012, appellant filed a response stating he had been unable “to get an amount from the Court Clerk for payment of the Clerks [sic] record. I will follow up on that issue Monday.” Appellant filed no additional response.

We therefore order this appeal dismissed for want of prosecution. We further order that appellee, the Estate of Leo L. Block, recover its costs of this appeal from appellant.

PER CURIAM