



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-13-00438-CV

Darrell J. BRITSCH,
Appellant

v.

Cindy L. BRITSCH,
Appellee

From the 198th Judicial District Court, Kerr County, Texas
Trial Court No. 12635B
Honorable M. Rex Emerson, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Justice
Marialyn Barnard, Justice
Rebeca C. Martinez, Justice

Delivered and Filed: November 20, 2013

DISMISSED FOR WANT OF PROSECUTION

The clerk's record was originally due on October 4, 2013. On October 7, 2013, this court notified the trial court clerk that the clerk's record was late. The trial court clerk responded to our notice by filing a Notification of Late Record, stating 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. Accordingly, on October 29, 2013, this court ordered appellant to provide written proof to this court no later than October 25, 2013 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. Our order cautioned appellant that if he failed to file such written proof within the time provided, this appeal would be dismissed for want of prosecution. *See* TEX. R. APP. P. 37.3(b).

Appellant has not responded; therefore, this appeal is dismissed for lack of prosecution.

PER CURIAM