



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-13-00561-CV

Arthur **PORTILLO**,
Appellant

v.

RUSHMORE LOAN SERVICES, L.L.C., USA Residential Properties, L.L.C., and
Harvey Law Group a/k/a Kelly Harvey P.C.,
Appellees

From the 407th Judicial District Court, Bexar County, Texas
Trial Court No. 2012-CI-05319
Honorable John D. Gabriel, Judge Presiding

PER CURIAM

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

Delivered and Filed: October 23, 2013

DISMISSED FOR WANT OF PROSECUTION

On August 12, 2013, appellant filed a notice of appeal from the trial court's judgment signed July 11, 2013. The record was due September 9, 2013, sixty days after the judgment was signed. *See* TEX. R. APP. P. 35.1. On September 17, 2013, 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 September 19, 2013, we ordered appellant to provide written proof to this court on or before September 30, 2013, 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). Appellant has not filed a response.

We therefore **order** this appeal dismissed for want of prosecution. We further **order** that appellees, Rushmore Loan Services, L.L.C., USA Residential Properties, L.L.C., and Harvey Law Group a/k/a Kelly Harvey P.C., recover their costs in this appeal from appellant.

PER CURIAM