



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-13-00733-CV

**Joseph P. SMITH,**  
Appellant

v.

**Lori E. SMITH,**  
Appellee

From the 224th Judicial District Court, Bexar County, Texas  
Trial Court No. 2013-CI-09439  
Honorable Gloria Saldaña, Judge Presiding

PER CURIAM

Sitting: Rebeca C. Martinez, Justice  
Patricia O. Alvarez, Justice  
Luz Elena D. Chapa, Justice

Delivered and Filed: December 18, 2013

DISMISSED

The clerk's record was due on October 17, 2013, and has not been filed. The trial court clerk filed a notification of late record stating that appellant had failed to pay or make arrangements to pay the clerk's fee for preparing the clerk's record, and appellant is not entitled to appeal without paying the fee. On November 19, 2013, this court ordered appellant to show cause in writing by December 2, 2013, why this appeal should not be dismissed for want of prosecution. Appellant

did not respond. Accordingly, the appeal is dismissed for want of prosecution. *See* TEX. R. APP. P. 37.3(b). Costs of the appeal are taxed against appellant.

PER CURIAM