



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-15-00414-CV

Jose (Joe) **HINOJOSA**,
Appellant

v.

**FIREFIGHTERS AND POLICE OFFICERS' CIVIL SERVICE COMMISSION OF THE
CITY OF LAREDO, TEXAS; Irma Mireles, Vidal Cantu Jr., and Jesus Torres,**
Appellees

From the 341st Judicial District Court, Webb County, Texas
Trial Court No. 2014-CVZ-000338-D3
Honorable Rebecca Ramirez Palomo, Judge Presiding

PER CURIAM

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

Delivered and Filed: October 7, 2015

DISMISSED FOR WANT OF PROSECUTION

On July 8, 2015, appellant filed a notice of appeal from the trial court's order signed July 6, 2015. The clerk's record was originally due September 7, 2015,¹ sixty days after the order or judgment was signed. *See* TEX. R. APP. P. 35.1. On September 1, 2015, the Webb County district clerk 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

¹ The clerk's record was actually due September 8, 2015 because Monday, September 7, 2015 was Labor Day, a holiday. *See* TEX. R. APP. P. 4.1(a).

without paying the fee. On September 8, 2015, we ordered appellant to provide written proof to this court on or before September 18, 2015, 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, the appeal would be dismissed for want of prosecution. *See id.* R. 37.3(b).

On September 10, 2015, appellant's counsel filed a motion to withdraw, stating in essence that he has, on four separate occasions, attempted to contact appellant and advise him of the necessity of paying for the appellate record and the potential for dismissal in the absence of same. Because appellant's counsel did not comply with requirements (1), (2), or (4) of Rule 6.5 of the Rules of Appellate Procedure, which governs motions to withdraw, we denied counsel's motion to withdraw and informed counsel he remained as counsel for appellant on appeal. *See* R. 6.5. In that same motion, appellant's counsel also requested an extension of time to file the record, but because such extensions must be filed by the clerk, we denied counsel's request for an extension of time to file the record. We also reminded counsel a response to our order regarding payment for the clerk's record was due on or before September 18, 2015. Appellant has not filed a response.

We therefore **order** this appeal dismissed for want of prosecution. We further **order** that appellees, Firefighters and Police Officers' Civil Service Commission of the City of Laredo, Texas, Irma Mireles, Vidal Cantu Jr., and Jesus Torres, recover their costs in this appeal from appellant Jose (Joe) Hinojosa.

PER CURIAM