



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-16-00433-CV

James Thornton **MAXWELL**,
Appellant

v.

FROST BANK f/k/a The Frost National Bank,
Appellee

From the 408th Judicial District Court, Bexar County, Texas
Trial Court No. 2012CI18674
Honorable Richard Price, Judge Presiding

PER CURIAM

Sitting: Patricia O. Alvarez, Justice
Luz Elena D. Chapa, Justice
Jason Pulliam, Justice

Delivered and Filed: August 31, 2016

DISMISSED FOR WANT OF PROSECUTION

In this appeal, the clerk's record was due on August 2, 2016. *See* TEX. R. APP. P. 35.1(a). On August 4, 2016, the Bexar County District Clerk notified this court that Appellant had not paid the clerk's fee for preparing the record and Appellant is not entitled to a free clerk's record. On August 10, 2016, we ordered Appellant to file written proof with this court by August 22, 2016, 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. We warned Appellant that if

he failed to respond as ordered, this appeal would be dismissed for want of prosecution. *See* TEX. R. APP. P. 37.3(b).

To date, Appellant has not filed any response with this court. Therefore, we dismiss this appeal for want of prosecution. *See id.* R. 37.3(b), 42.3(b), (c).

PER CURIAM