



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

**MEMORANDUM OPINION**

No. 04-17-00260-CV

Janet **HENRY**,  
Appellant

v.

**THE CITY OF BANDERA, TEXAS**; Suzanne Schauman, in her official capacity as Presiding Officer for the City Council of the City of Bandera; Robert Koimn, in his official capacity as Code Enforcement Official for the City of Bandera; and Art Crawford, in his official capacity as President of the Bandera Economic Development Corp.,  
Appellees

From the 198th Judicial District Court, Bandera County, Texas  
Trial Court No. CVOC-17-0000067  
Honorable M. Rex Emerson, Judge Presiding

PER CURIAM

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

Delivered and Filed: June 21, 2017

DISMISSED FOR WANT OF PROSECUTION

On April 26, 2017, appellant Janet Henry filed a notice of accelerated appeal from the trial court's judgment signed April 11, 2017. The clerk's record was due May 8, 2017, ten days after the notice of appeal was filed. TEX. R. APP. P. 35.1(b), 26.1(b). On May 1, 2017, the District Clerk of Bandera 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 May 24, 2017, we ordered appellant to provide

written proof to this court on or before June 5, 2017, that either (1) the clerk's fee has been paid or arrangements have been made to pay the clerk's fee; or (2) she is entitled to appeal without paying the clerk's fee. We cautioned appellant that if she failed to respond within the time provided, her appeal would be dismissed for want of prosecution. *See* TEX. R. APP. P. 37.3(b). Additionally, on May 25, 2017, we ordered appellant to file written proof that either: (1) the filing fee has been paid; or (2) appellant is entitled to appeal without paying the filing fee. *See* TEX. R. APP. P. 20.1. We again warned appellant that failure to timely respond would result in dismissal of the appeal for failure to pay the filing fee. *See* TEX. R. APP. P. 5, 42.3(c). Appellant has not responded to either order. We therefore dismiss this appeal for want of prosecution. *See* TEX. R. APP. P. 37.3(b), 42.3(c).

PER CURIAM