



Fourth Court of Appeals San Antonio, Texas

MEMORANDUM OPINION

No. 04-18-00747-CV

Marcelo **GALVAN** Jr. and Analicia R. Galvan,
Appellants

v.

Cledson Macedo de **CARVALHO** and Kristina Carvalho,
Appellees

From the 49th Judicial District Court, Webb County, Texas
Trial Court No. 2018CVH001835-D1
Honorable Jose A. Lopez, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice
Rebeca C. Martinez, Justice
Liza A. Rodriguez, Justice

Delivered and Filed: January 16, 2019

DISMISSED FOR WANT OF PROSECUTION

On December 3, 2018, the trial court clerk filed a notification of late clerk's record, stating that the appellants had failed to pay or make arrangements to pay the fee for preparing the clerk's record. *See* TEX. R. APP. P. 35.3(a). On December 7, 2018, we ordered appellants to provide written proof to this court by December 17, 2018 that either (1) the clerk's fee had been paid or arrangements had been made to pay the clerk's fee for preparing the clerk's record; or (2) appellants were entitled to appeal without paying the clerk's fee. Appellants have not responded to our order. Therefore, this appeal is dismissed for want of prosecution. *See* TEX. R. APP. P.

37.3(b) (allowing dismissal of appeal for want of prosecution if clerk's record is not filed due to appellant's fault); *see also* TEX. R. APP. P. 42.3(c) (allowing dismissal of appeal if appellant fails to comply with an order of this court). Costs of appeal are taxed against appellants. *See* TEX. R. APP. P. 43.4.

PER CURIAM