

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-11-00011-CV

DUSON ALEXANDER, Appellant

V.

**DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE AND
COUNTRYWIDE HOME LOANS, INC., Appellee**

**On Appeal from the 260th District Court
Orange County, Texas
Trial Cause No. D-070684-C**

MEMORANDUM OPINION

On January 21, 2011, we notified the parties that the appeal would be dismissed unless the appellant remitted the filing fee for the appeal. *See* Tex. R. App. P. 5. On January 27, 2011, we notified the parties that this appeal would be dismissed for want of prosecution unless arrangements were made for filing the clerk's record or the appellant explained why it needed additional time for filing the record. *See* Tex. R. App. P. 37.3(b). Duson Alexander, the appellant, did not respond to either notice.

Appellant did not pay the filing fee for the appeal and did not pay for the preparation of a clerk's record. Appellant neither filed an affidavit of indigence on appeal nor asserted that he is entitled to proceed without payment of costs. *See* Tex. R. App. P. 20.1. There being no satisfactory explanation for the appellant's failure to pursue the appeal after having been given notice and opportunity to cure, the appeal is dismissed for want of prosecution. *See* Tex. R. App. P. 42.3.

APPEAL DISMISSED.

STEVE McKEITHEN
Chief Justice

Opinion Delivered March 10, 2011
Before McKeithen, C.J., Gaultney and Horton, JJ.