

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-14-00371-CV**

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**LINDIG CONSTRUCTION & TRUCKING, INC., Appellant**

**V.**

**J-M MANUFACTURING CO., INC. D/B/A JM EAGLE, Appellee**

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**On Appeal from the County Court at Law No. 2**  
**Montgomery County, Texas**  
**Trial Cause No. 12-11-12448 CV**

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**MEMORANDUM OPINION**

On December 19, 2014, we notified the parties that the appeal would be dismissed for want of prosecution unless arrangements were made for filing the record or the appellant explained why additional time was needed to file the record. Appellant did not respond to this Court's notice.

Appellant did not file an affidavit of indigence on appeal and has not shown that it is entitled to proceed without payment of costs. *See* Tex. R. App. P. 20.1. There being no satisfactory explanation for the failure to file the clerk's record, we

dismiss the appeal for want of prosecution. *See* Tex. R. App. P. 37.3(b); Tex. R. App. P. 42.3.

APPEAL DISMISSED.

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HOLLIS HORTON  
Justice

Submitted on February 11, 2015  
Opinion Delivered February 12, 2015

Before McKeithen, C.J., Horton and Johnson, JJ.