

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-16-00226-CV

AUBRY TOLBERT, Appellant

V.

MONTGOMERY COUNTY, Appellee

On Appeal from the 284th District Court
Montgomery County, Texas
Trial Cause No. 15-08-08795-CV

MEMORANDUM OPINION

Appellant, Aubry Tolbert, filed a notice of appeal from the trial court's judgment dated April 21, 2016. The trial court clerk notified the Court of Appeals that Tolbert was not entitled to appeal without paying fees, and that Tolbert neither paid for nor made arrangements to pay for preparing the record. On July 20, 2016, we notified the parties that the appeal would be dismissed if Tolbert failed to pay for a record. On July 21, 2016, we notified the parties that the appeal would be

dismissed unless Tolbert remitted the filing fee for the appeal. Tolbert has not responded to this Court's notices.

Appellant did not file an affidavit of indigence on appeal and has not shown that he is entitled to proceed without paying costs. *See* Tex. R. App. P. 20.1. Although given an opportunity to cure, Tolbert failed to make arrangements to pay for a record supporting any issues that he desires to raise in his appeal. *See* Tex. R. App. P. 37.3(b). Furthermore, Tolbert has not responded to our notices. *See* Tex. R. App. P. 42.3(c). We dismiss Tolbert's appeal for want of prosecution. *See* Tex. R. App. P. 42.3(b).

APPEAL DISMISSED.

HOLLIS HORTON
Justice

Submitted on August 31, 2016
Opinion Delivered September 1, 2016

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