

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-18-00054-CV

JEFFREY D. WESTBROOK, Appellant

V.

**DAVID A. DOUGHTY, FRANKIE L. RESCANO, SANDRA R. JOHNSON
AND ANITA R. BREAU, Appellees**

**On Appeal from the County Court at Law No. 1
Jefferson County, Texas
Trial Cause No. 129046**

MEMORANDUM OPINION

Jeffrey D. Westbrook appealed from a judgment signed January 8, 2018. On May 29, 2018, we notified the parties that the clerk's record had not been filed due to the appellant's failure to pay or, to arrange to pay the District Clerk's fee for preparing the clerk's record. Further, the notice warned Westbrook that the appeal would be dismissed for want of prosecution unless a response was filed by June 28, 2018. Westbrook filed a response on June 11, 2018.

The trial court denied Westbrook's claim of indigence on January 10, 2017, approximately one year before the trial court signed the order that is the subject of this appeal. Westbrook did not challenge the order within ten days of the date it was signed. *See* Tex. R. Civ. P. 145(g)(2). The clerk responsible for preparing the record in this appeal informed the Court that Westbrook did not arrange to pay for the record. *See* Tex. R. App. P. 35.3(a).

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); *see also* Tex. R. App. P. 42.3(b).

APPEAL DISMISSED.

LEANNE JOHNSON
Justice

Submitted on June 27, 2018
Opinion Delivered June 28, 2018

Before Kreger, Horton, and Johnson, JJ.