

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-23-00080-CV

J EDWARDS CONCRETE & CONSTRUCTION LLC, Appellant

V.

DAVID OLVERA AND SARAH OLVERA, Appellees

On Appeal from the County Court at Law No. 6
Montgomery County, Texas
Trial Cause No. 22-02-02119-CV

MEMORANDUM OPINION

J Edwards Concrete & Construction LLC, Appellant, filed a notice of appeal from a final default judgment, which the trial court signed on February 8, 2023.

On June 8, 2023, the District Clerk notified the Court that Appellant is not entitled to appeal without paying the fee for the record and Appellant had failed to pay or to arrange to pay for the clerk's record in the appeal. On that same day, we notified the parties that the clerk's record had not been filed and we warned Appellant that we would dismiss the appeal unless it arranged to pay the fee required

to file the clerk's record or it explained that it needed additional time to do so by July 10, 2023. *See* Tex. R. App. P. 37.3(b). Appellant then arranged for and paid for the clerk's record, and the clerk's record was filed with this Court on July 19, 2023.

On July 20, 2023, the Court sent a notice notifying the Appellant that the Appellant had not made arrangements to pay for and file a Reporter's Record. On August 22, 2023, we notified the parties that the Court had still not received a response to the Court's notice regarding non-payment for the reporter's record and we confirmed that no reporter's record had been filed. On that same date, we also notified the Appellant that Appellant's brief was due on or before Thursday, September 21, 2023. On September 22, 2023, we notified Appellant that Appellant's brief was past due and that if the brief of Appellant and a motion for extension of time were not filed by Monday, October 2, 2023, the cause would be submitted to the Court on the clerk's record alone, and that submission without briefs may result in dismissal for want of prosecution.

In the absence of a brief from Appellant or a satisfactory explanation justifying Appellant's failure to file a brief and failure to respond to the Court's notices, we dismiss the appeal for want of prosecution. *See* Tex. R. App. P. 37.3(b), 42.3, 43.2(f).

APPEAL DISMISSED.

PER CURIAM

Submitted on October 18, 2023
Opinion Delivered October 19, 2023

Before Golemon, C.J., Johnson and Wright, JJ.