



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-16-00145-CV

CHRISTOPHER J. MCLUCAS

APPELLANT

V.

RAUL CASTILLO AND YOLANDA
CASTILLO

APPELLEES

FROM COUNTY COURT AT LAW NO. 3 OF TARRANT COUNTY
TRIAL COURT NO. 2015-005026-3

MEMORANDUM OPINION¹ AND JUDGMENT

On July 6, 2016, we notified Appellant that the trial court clerk responsible for preparing the record in this appeal informed the court that payment arrangements had not been made to pay for the clerk's record as required by Texas Rule of Appellate Procedure 35.3(a)(2). See Tex. R. App. P. 35.3(a)(2).

¹See Tex. R. App. P. 47.4.

We stated that we would dismiss the appeal for want of prosecution unless Appellant made arrangements to pay for the clerk's record and provided this court with proof of payment by July 18, 2016. The deadline expired without Appellant making payment arrangements for the clerk's record. Appellees thereafter filed a motion to dismiss this appeal for want of prosecution.

Five days later, we received "Appellant's Unopposed First Motion For Extension Of Time To Pay For The Clerk's Record And Reporter's Record And Provide Proof Of Payments And Designations," contending that the reason he was unable to pay for the record was due to his counsel's illness.² Appellees filed a response opposing Appellant's motion for extension of time to pay for the clerk's record and attached an enforcement order showing that Appellant's counsel had appeared in court with Appellant on the July 18 deadline; Appellees argue that Appellant's counsel's health had nothing to do with Appellant missing the court-imposed July 18, 2016 deadline for paying for the clerk's record.

After reviewing Appellant's motion for extension and Appellees' response, it is the opinion of the court that the appeal should be dismissed for want of prosecution. Accordingly, we deny "Appellant's Unopposed First Motion For Extension Of Time To Pay For The Clerk's Record And Reporter's Record And Provide Proof Of Payments And Designations," we grant "Appellees Raul Castillo

²The motion alleges that Appellant's counsel Gary Tucker had an illness that interfered with his ability to perform his responsibilities in a timely manner. The motion was not filed by Mr. Tucker.

and Yolanda Castillo's Motion to Dismiss Appeal for Want of Prosecution," and we dismiss the appeal. See Tex. R. App. P. 37.3(b), 42.3(b).

Appellant shall pay all costs of the appeal, for which let execution issue.

PER CURIAM

PANEL: WALKER, MEIER, and GABRIEL, JJ.

DELIVERED: July 28, 2016