

NO. 07-03-0516-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL E
MARCH 9, 2004

PHILLIP TAYLOR AND ONY TAYLOR,

Appellants

V.

DUNCAN HEATING & A/C, INC.,

Appellee

FROM THE COUNTY COURT AT LAW NO. 3 OF LUBBOCK COUNTY;

NO. 2002-593729; HON. PAULA LANEHART, PRESIDING

MEMORANDUM OPINION

Before QUINN and REAVIS, JJ., and BOYD, S.J.¹

Appellants Phillip Taylor and Ony Taylor filed a notice of appeal on December 10, 2003. The clerk's record was filed on January 5, 2004. However, no reporter's record has been received. On February 18, 2004, this Court, pursuant to Tex. R. App. P. 35.3(b), notified the court reporter that the record was due to be filed no later than February 4, 2004. In response, the reporter filed a request for extension of time to file record, stating

¹John T. Boyd, Chief Justice (Ret.), Seventh Court of Appeals, sitting by assignment. TEX. GOV'T CODE ANN. §75.002(a)(1) (Vernon Supp. 2004).

that “appellant has not paid or made arrangements to pay for the record” and “appellant requested I not prepare transcript as he is no longer pursuing his appeal.” On February 26, 2004, appellants were directed by letter to provide this Court with proof that they either paid for the record or made satisfactory arrangements for payment of the record on or before March 8, 2004, and failure to comply with the Court’s directive may result in dismissal. The deadline lapsed, and no response has been received.

Because appellants have failed to provide proof that they have paid for the reporter’s record or made satisfactory arrangements for payment of the record as directed by the court, we dismiss the appeal pursuant to Texas Rule of Appellate Procedure 42.3(b) and (c).

Per Curiam