



**In The  
Court of Appeals  
Seventh District of Texas at Amarillo**

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No. 07-14-00364-CV

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**IN THE INTEREST OF R.J.G., A CHILD**

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On Appeal from the 64th District Court  
Hale County, Texas  
Trial Court No. A36136-0807, Honorable Robert W. Kinkaid Jr., Presiding

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November 14, 2014

**MEMORANDUM OPINION**

Before QUINN, C.J., and CAMPBELL and PIRTLE, JJ.

Appellant James L. Gunter filed a notice of appeal of the trial court's June 27, 2014 modification order in a suit affecting the parent-child relationship. Gunter's motion for new trial was overruled. We dismiss the appeal for want of prosecution and failure to comply with a directive of this court.

Gunter's notice of appeal was filed October 10.<sup>1</sup> In a written request filed on October 20, the district clerk sought additional time to file the clerk's record because Gunter had not paid or made arrangements to pay for preparation of the clerk's record.

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<sup>1</sup> The notice of appeal was filed within 15 days of the deadline. We granted Gunter's motion for extension of time to file the notice of appeal. TEX. R. APP. P. 26.3.

By letter of October 21, we ordered Gunter to make acceptable payment arrangements by November 5, and advised him that failure to comply would subject the appeal to dismissal for want of prosecution without further notice. See TEX. R. APP. P. 37.3(b). We further directed the district clerk to file a status report if Gunter failed to make payment arrangements as directed. The district clerk has filed a status report indicating that she mailed the bill of costs to counsel for Gunter on October 23, 2014, and stating that Gunter nonetheless has not paid or made payment arrangements for preparation of the clerk's record.<sup>2</sup>

Because no clerk's record was filed in this appeal due to the fault of Gunter after receiving a reasonable opportunity to cure his failure to make payment arrangements, we dismiss the appeal for want of prosecution and for failure to comply with a directive of the court. See TEX. R. APP. P. 37.3(c), 42.3(b),(c).

Per Curiam

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<sup>2</sup> Gunter has not paid the filing fee for this appeal nor has he offered proof of indigence. He has not responded to an October 21 letter from this court's clerk notifying him of the defect, and affording ten days for correction.