



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-09-00109-CV

CLAY EARLE, INDIVIDUALLY AND LAKE FORK DRILLING, INC., D/B/A
CLAY EARLE WATER WELL DRILLING, Appellants

V.

PREFERRED PUMP AND EQUIPMENT, L.P., Appellee

On Appeal from the 402nd Judicial District Court
Wood County, Texas
Trial Court No. 2006-469

Before Morriss, C.J., Carter and Moseley, JJ.
Memorandum Opinion by Chief Justice Morriss

MEMORANDUM OPINION

Clay Earle, individually, and Lake Fork Drilling, Inc., d/b/a Clay Earle Water Well Drilling, filed their notice of appeal December 1, 2009.

The clerk's record was filed March 30, 2010. The reporter's record was due to be filed on or before March 1, 2010, and has not been filed. When no reporter's record had been filed by April 19, 2010, we contacted the appellants (whose attorney was permitted to withdraw from representation March 30, 2010, after providing requisite notice) by letter and informed them that, if we did not receive information that appellants were making a substantial and tangible effort to prosecute the appeal by showing, within ten days of the date of the letter, either a reasonable attempt to obtain the reporter's record or by filing a brief based solely on the clerk's record, the appeal would be subject to dismissal for want of prosecution. *See* TEX. R. APP. P. 42.3(b), (c).

We have received no communication from the appellants. Pursuant to Rule 42.3(b) of the Texas Rules of Appellate Procedure, we dismiss this appeal for want of prosecution. TEX. R. APP. P. 42.3(b).

Josh R. Morriss, III
Chief Justice

Date Submitted: May 12, 2010
Date Decided: May 13, 2010

