



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

No. 06-13-00005-CV

TOMMY W. DAVIS, Appellant

V.

NORTHEAST TEXAS FARMERS CO-OP, Appellee

On Appeal from the County Court at Law
Hopkins County, Texas
Trial Court No. CV 41189

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

MEMORANDUM OPINION

Tommy W. Davis, appellant, filed his notice of restricted appeal January 17, 2013. The clerk's record in this matter was due to be filed with this Court on or before February 22, 2013. When no clerk's record had been filed by February 22, our clerk's office contacted the district clerk and was informed that no payment and no arrangement for payment for the record's preparation had been made by Davis.

Davis is not indigent and is, therefore, responsible for payment of the clerk's record. *See* TEX. R. APP. P. 20.1; 35.3(a)(2), (b)(3); 37.3(b). By letter dated March 25, 2013, and pursuant to Texas Rule of Appellate Procedure 37.3(b), we provided Davis notice of and an opportunity to cure this defect. Further, we warned Davis that, if we did not receive an adequate response to our defect letter within ten days, this 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 Davis. Pursuant to Texas Rule of Appellate Procedure 42.3(b), we dismiss this appeal for want of prosecution. *See* TEX. R. APP. P. 42.3(b).

Josh R. Morriss, III
Chief Justice

Date Submitted: May 7, 2013
Date Decided: May 8, 2013