



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

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No. 06-14-00070-CV

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STEPHEN WULFF, Appellant

V.

JEFF FRATANGELO, Appellee

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On Appeal from the 276th District Court  
Marion County, Texas  
Trial Court No. 0900107

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

## MEMORANDUM OPINION

Stephen Wulff, appellant, filed a notice of appeal in this matter on August 22, 2014. Both the clerk's and reporter's records were due to be filed with this Court on or before November 24, 2014. Neither record has been filed, and there is no indication that Wulff has paid for or made arrangements for payment of the fees associated with their preparation.

Unless otherwise excused, a non-indigent appellant must either pay for or make arrangements for the payment of the fees related to preparation of the appellate record to ensure that the record is timely filed. TEX. R. APP. P. 35.3(a)(2), (b)(3); *see* TEX. R. APP. P. 20.1(c); 37.3(b), (c).

By letter dated December 22, 2014, and pursuant to Rules 37.3(b) and (c) and 42.3(b) and (c) of the Texas Rules of Appellate Procedure, our clerk's office provided Wulff with notice of and an opportunity to cure these defects. *See* TEX. R. APP. P. 37.3(b), (c), 42.3(b), (c). The clerk's letter further warned Wulff that if he did not submit an adequate response to our defect letter within ten days of the date of the letter, his appeal would be dismissed for want of prosecution. *See id.* We have received no communication from Wulff responsive to the December 22 correspondence from our clerk's office, and we have not received the appellate record.

Pursuant to Rules 37.3(b) and (c) and 42.3(b) and (c) of the Texas Rules of Appellate Procedure, we dismiss this appeal for want of prosecution.

Ralph K. Burgess  
Justice

Date Submitted: January 15, 2015  
Date Decided: January 16, 2015