



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

No. 06-16-00023-CV

IN THE MATTER OF THE MARRIAGE OF
WILLIE BURNS AND ZANATTA BURNS

On Appeal from the 335th District Court
Burleson County, Texas
Trial Court No. 27,875

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

MEMORANDUM OPINION

Willie Burns, appellant, filed a notice of appeal in this matter on March 18, 2016.¹ The clerk's record in this matter, which was due to be filed on or before May 19, 2016, has not been filed, and there is no indication that Burns, who is not indigent, has either paid for or made satisfactory payment arrangements for preparation of the clerk's record.

Unless otherwise excused, a nonindigent appellant must either pay 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 June 16, 2016, and pursuant to Rules 37.3(b) and 42.3(b) and (c) of the Texas Rules of Appellate Procedure, our clerk's office provided Burns with notice of and an opportunity to cure this defect. *See* TEX. R. APP. P. 37.3(b), 42.3(b), (c). The clerk's letter further warned Burns that if he did not remedy the identified defect within ten days of the date of the letter, his appeal would be subject to dismissal for want of prosecution. *Id.* We have received no communication from Burns responsive to the clerk's June 16 correspondence, and we have not received the clerk's record.

¹Originally appealed to the Tenth Court of Appeals, this case was transferred to this Court by the Texas Supreme Court pursuant to its docket equalization efforts. *See* TEX. GOV'T CODE ANN. § 73.001 (West 2013). We are unaware of any conflict between precedent of the Tenth Court of Appeals and that of this Court on any relevant issue. *See* TEX. R. APP. P. 41.3.

Pursuant to Rules 37.3(b) 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: July 12, 2016
Date Decided: July 13, 2016