

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-02-00801-CV

Latonya Wilson, Appellant

v.

Texas Department of Protective and Regulatory Services, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 250TH JUDICIAL DISTRICT
NO. FM200863, HONORABLE DARLENE BYRNE, JUDGE PRESIDING**

MEMORANDUM OPINION

The attorney *ad litem* for the child who was the subject of this termination proceeding has filed a motion to dismiss the appeal for want of prosecution. We will grant the motion and dismiss the appeal. *See* Tex. R. App. P. 42.3(b).

Appellant Latonya Wilson filed a notice of appeal on December 23, 2002. She did not file an affidavit of indigence with or before the notice of appeal. *See* Tex. R. App. P. 20.1(c)(1). Appellant filed a motion for new trial and statement of points on appeal on December 20, 2002. *See* Tex. Fam. Code Ann. § 263.405(b) (West 2002). The trial court denied the motion for new trial, found the appeal not frivolous, but found that appellant had not established a right to proceed as an indigent because no affidavit of indigence had been filed. The court informed appellant that she could file a motion for extension of time with this Court. Such a motion was filed and granted by this Court, extending the due date until February 3, 2003. A motion for extension of time to file appellant's brief was granted, setting a due date of February

17, 2003.¹ To date, no affidavit of indigence has been filed, no payment arrangements for the reporter's record have been made, no filing fees due in this Court have been paid, no brief has been filed, and appellant has not responded to the motion to dismiss. Accordingly, we grant the motion and dismiss the appeal for want of prosecution. *See* Tex. R. App. P. 42.3(b).

Bea Ann Smith, Justice

Before Chief Justice Law, Justices B. A. Smith and Puryear

Dismissed for Want of Prosecution

Filed: March 6, 2003

¹ Although the trial court denied indigent status to appellant, nevertheless a clerk's record was filed on December 27, 2002 without pre-payment of costs.