

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-04-00791-CV

Guadalupe Association for an Improved Neighborhood, in its representational capacity for its members, Ben M. Sifuentes, Mark Rogers, Helen S. Lopez, Mary Helen Lopez, Letesia Cantu-McGarrahan, Edward E. McGarrahan, Cristina De La Fuente-Valadez and Juan R. Valadez, Appellant

v.

City of Austin, Texas, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 345TH JUDICIAL DISTRICT
NO. GN102692, HONORABLE PATRICK O. KEEL, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant has informed this Court that the notice of appeal in this case was filed from an interlocutory, rather than final judgment and that further proceedings have occurred in the trial court to create a final judgment. *See* Tex. R. App. P. 27 (premature appeals). Appellant has informed us that a clerk's record reflecting these further proceedings needs to be filed after the final judgment is signed. *See* Tex. R. App. P. 27.3 (appealed order modified). Accordingly, we abate the appeal. It will be reinstated automatically upon receipt of the supplemental clerk's record containing the final judgment. A status report, however, should be filed by February 25, 2005, if the

supplemental record has not yet been prepared. Because this appeal is being abated, appellant's letter will be deemed the response to the notice of overdue brief sent January 19, 2005.

W. Kenneth Law, Chief Justice

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

Filed: January 27, 2005