

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-05-00111-CV

George H. Gage, Appellant

v.

Ava Arthur and Taneil Gage, Appellees

**FROM PROBATE COURT NO. 1 OF TRAVIS COUNTY
NO. 78,585, HONORABLE GUY S. HERMAN, JUDGE PRESIDING**

MEMORANDUM OPINION

On June 30, 2005, this Court sustained the contest to appellant George Gage's affidavit of indigence. *See Gage v. Gage*, No. 03-05-00111-CV, slip op. at 1 (Tex. App.—Austin June 30, 2005, order). Appellant was directed to pay our filing fees and to pay for or make payment arrangements for the clerk's record and reporter's record in this cause.¹ *Id.* at 3. Appellant was given thirty days to comply with the order or face dismissal. *See* Tex. R. App. P. 42.3(b), (c), 37.3(b); *see also Olympus/Nelson Prop. Mgmt.*, 97 S.W.3d 350, 353 (Tex. App.—Houston [14th Dist.] 2003, order). Appellant has not complied with our order. The record has not been filed nor

¹ Those portions of the record relating only to the affidavit of indigence were prepared and filed without prepayment. *See In re Arroyo*, 988 S.W.2d 737, 738-39 (Tex. 1998). Because the order sustained the contest to the affidavit, appellant was ordered to pay for those records, which he has not done.

have payment arrangements for the record been made. Accordingly, we dismiss the appeal for want of prosecution. *See* Tex. R. App. P. 42.3(b), 37.3(b).

W. Kenneth Law, Chief Justice

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

Dismissed for Want of Prosecution

Filed: October 21, 2005