

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-11-00324-CV

1995 Prowler Travel Trailer, et al., Appellants

v.

State of Texas, Appellee

**FROM THE DISTRICT COURT OF MILAM COUNTY, 20TH JUDICIAL DISTRICT
NO. 34,180, HONORABLE ED MAGRE, JUDGE PRESIDING**

MEMORANDUM OPINION

The clerk's record in this appeal was due in this Court on May 1, 2011. On June 27, 2011, Stephen Gardiner was notified that no clerk's record had been filed due to his failure to pay or make arrangements to pay the district clerk's fee for preparing the clerk's record. The notice requested that Gardiner make arrangements for the clerk's record and submit a status report regarding this appeal by July 7, 2011. Gardiner has not filed a status report or otherwise responded to this Court's notice.

If the trial court clerk fails to file the clerk's record due to appellant's failure to pay or make arrangements to pay the clerk's fee for preparing the record, the appellate court may dismiss the appeal for want of prosecution unless the appellant was entitled to proceed without payment of costs. Tex. R. App. P. 37.3(b). Because Gardiner has failed to pay or make arrangements to pay the clerk's fee for preparing the clerk's record, this appeal is dismissed for want of prosecution.

Diane M. Henson, Justice

Before Chief Justice Jones, Justices Pemberton and Henson

Dismissed for Want of Prosecution

Filed: August 9, 2011