

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-12-00162-CV

Susan Huddleston Gosney, Appellant

v.

Gary Lynn Gosney, Appellee

**FROM THE DISTRICT COURT OF BELL COUNTY, 146TH JUDICIAL DISTRICT
NO. 240,737-B, HONORABLE ALAN MAYFIELD, JUDGE PRESIDING**

MEMORANDUM OPINION

The clerk's record and reporter's record in this appeal were due for filing in this Court on December 9, 2011. On April 2, 2012, appellant Susan Huddleston Gosney was notified that no clerk's record had been filed due to her failure to pay or make arrangements to pay the district clerk's fee for preparing the clerk's record. The notice requested that Ms. Gosney make arrangements for the clerk's record and submit a status report regarding this appeal with this Court. Ms. Gosney was requested to file a response in this Court on or before April 12, 2012 or risk dismissal of her appeal. To date, Ms. Gosney has not filed a status report or otherwise responded to this Court's notice, and the clerk's record has not been filed.

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). In this case, Ms. Gosney has not established that she is entitled to proceed without payment of costs. *See* Tex. R. App. P. 20.1 (providing procedure for establishing indigence on appeal). Because Ms. Gosney 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 Justices Puryear, Henson and Goodwin

Dismissed for Want of Prosecution

Filed: June 29, 2012