

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-14-00210-CV**

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**Lakeshia R. Howell, Appellants**

**v.**

**Peter Donnelly, Appellee**

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**FROM THE DISTRICT COURT OF BELL COUNTY, 146TH JUDICIAL DISTRICT  
NO. 269, 498-B, HONORABLE JACK WELDON JONES, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

The clerk's record in this appeal was due for filing in this Court on June 2, 2014. On June 19, 2014, the appellant was notified that no clerk's record had been filed due to her failure to pay or make arrangements to pay the district court clerk's fee for preparing the clerk's record. The notice requested that the appellant make arrangements for the clerk's record and submit a status report regarding this appeal by June 30, 2014. Further, the notice advised the appellant that her failure to comply with this request could result in the dismissal of her appeal for want of prosecution. To date, the appellant 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 for 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, the appellant 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 the appellant 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. *See* Tex. R. App. P. 42.3(b).

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Scott K. Field, Justice

Before Justices Puryear, Pemberton, and Field

Dismissed for Want of Prosecution

Filed: July 22, 2014