

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

---

---

**NO. 03-15-00260-CV**

---

---

**Marcelino M. Gil, Appellant**

**v.**

**Rissie Owens, Chairperson, Texas Board of Pardons and Paroles, Appellee**

---

---

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 201ST JUDICIAL DISTRICT  
NO. D-1-GN-14-003554, HONORABLE LORA J. LIVINGSTON, JUDGE PRESIDING**

---

---

**MEMORANDUM OPINION**

Appellant Marcelino M. Gil, an inmate, has filed a pro se notice of appeal from the district court's final order, dated April 10, 2015, dismissing his petition for writ of mandamus. The district court clerk's record was due in this Court on June 9, 2015. The Travis County District Clerk notified this Court that it had not received payment for the record. If the clerk's record is not filed because the appellant failed to pay, this Court may dismiss the appeal for want of prosecution unless the appellant was entitled to proceed without payment of costs.<sup>1</sup> An appellant who cannot pay the costs in an appellate court may proceed without payment if he files an affidavit of indigence.<sup>2</sup> On June 10, 2015, we sent notice to appellant that the clerk's record was overdue and that the appeal may be dismissed for want of prosecution if appellant did not file an affidavit of indigence

---

<sup>1</sup> See Tex. R. App. P. 37.3(b).

<sup>2</sup> See *id.* R. 20.1(2).

on or before June 22, 2015. To date, no affidavit of indigence or clerk's record has been filed.

Accordingly, we dismiss the appeal for want of prosecution.<sup>3</sup>

---

Bob Pemberton, Justice

Before Chief Justice Rose, Justices Pemberton and Field

Dismissed for Want of Prosecution

Filed: July 9, 2015

---

<sup>3</sup> *See id.* R. 37.3(b), 42.3(b), (c).