

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-15-00391-CV

**Edward Heard, Stephanie Heard, M. Anderson Heard,
and/or All Occupants of 1206 Walnut Street, Bastrop, Texas, Appellants**

v.

**VRM (Vendor Resource Management), Duly Authorized Agent
for the Secretary of Veterans Affairs, Appellee**

**FROM THE COUNTY COURT AT LAW NO. 1 OF BASTROP COUNTY,
NO. 15-17165, HONORABLE BENTON ESKEW, JUDGE PRESIDING**

MEMORANDUM OPINION

The clerk's record in this appeal was due for filing in this Court on September 23, 2015. The clerk of this Court subsequently notified the appellants that the clerk's record had not been filed due to their failure to pay or make arrangements to pay the county court clerk's fees for preparing the clerk's record. The notice requested that the appellants make arrangements for the clerk's record and submit a status report regarding this appeal by October 9, 2015. Further, the notice advised the appellants that their failure to comply with this request could result in the dismissal of this appeal for want of prosecution. To date, the appellants have 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 the appellants' 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 appellants were entitled to proceed without payment of costs. Tex. R. App. P. 37.3(b). In this case, the appellants have not established that they are entitled to proceed without payment of costs. *See* Tex. R. App. P. 20.1 (providing procedure for establishing indigence on appeal). Because the appellants have 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).

Scott K. Field, Justice

Before Chief Justice Rose, Justices Pemberton and Field

Dismissed for Want of Prosecution

Filed: October 23, 2015