

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-15-00394-CV

Valerie E. Steele, Appellant

v.

Victor Biles, Appellee

**FROM COUNTY COURT AT LAW NO. 2 OF TRAVIS COUNTY
NO. C-1-CV-15-002740, HONORABLE ERIC SHEPPERD, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Valerie E. Steele filed her notice of appeal on June 29, 2015. That day, we notified her that she was required to make a written request and arrangements to pay for the clerk's record and the reporter's record within ten days from her receipt of our letter. The clerk's record from the trial court was due to be filed in this Court on September 25, 2015.

On November 2, this Court notified Steele that no clerk's record had been filed due to her failure to pay or make arrangements to pay the fee for preparing the clerk's record. The notice also informed Steele that on July 30, 2015 the trial court ordered that her affidavit of indigence was denied, and accordingly, she is not indigent. The Court's notice requested that Steele make arrangements for the clerk's record and submit a status report regarding this appeal by November 12. In addition, the notice informed Steele that her appeal was subject to dismissal if she did not comply with our instructions. To date, Steele 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's 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, Steele 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), and she has failed to pay or make arrangements to pay the clerk's fee for preparing the clerk's record. We therefore dismiss the appeal for want of prosecution. *See* Tex. R. App. P. 42.3(b).

Cindy Olson Bourland, Justice

Before Justices Puryear, Goodwin, and Bourland

Dismissed for Want of Prosecution

Filed: December 17, 2015