

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-15-00437-CV

Dorena Harrison, Appellant

v.

Lance Haverda, Appellee

**FROM THE DISTRICT COURT OF WILLIAMSON COUNTY, 425TH JUDICIAL DISTRICT
NO. 14-0321-F425, HONORABLE BETSY F. LAMBETH, JUDGE PRESIDING**

MEMORANDUM OPINION

The clerk's record in this appeal was due for filing in this Court on July 15, 2015. On September 9, 2015, the clerk of this Court notified the appellant, Dorena Harrison, that the clerk's record had not been filed and was overdue, and that notice had been received from the district clerk that Harrison had neither paid, nor made arrangements for payment, for the clerk's record. The notice requested that Harrison make arrangements for the clerk's record and submit a status report regarding this appeal by September 21, 2015. Further, the notice advised Harrison that her failure to comply with this request could result in the dismissal of her appeal for want of prosecution. To date, Harrison has not filed a status report regarding the clerk's record, and the clerk's record has not been filed.¹

¹ Harrison has notified the Court, by letter, that she is currently in the process of finalizing payment for the reporter's record. However, Harrison has not advised the Court regarding the status of the clerk's record, and the district clerk has subsequently confirmed that there has been no

If the trial court clerk fails to file the clerk's record due to the 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, Harrison 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 Harrison 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).

Scott K. Field, Justice

Before Chief Justice Rose, Justices Pemberton and Field

Dismissed for Want of Prosecution

Filed: October 23, 2015

payment towards the preparation of the clerk's record and that the clerk's "many attempts to collect payment" have been unsuccessful.