

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-15-00458-CV

Amy Lynn Dayringer, Appellant

v.

Gared Dayringer, Appellee

**FROM THE DISTRICT COURT OF MILAM COUNTY, 20TH JUDICIAL DISTRICT
NO. CV34,454, HONORABLE JOHN YOUNGBLOOD, JUDGE PRESIDING**

MEMORANDUM OPINION

The appellate record must include the clerk's record from the trial court.¹ The clerk's record in this cause was due in this Court on September 18, 2015, but no record was filed. We received notice from the Milam County district clerk's office on October 2, 2015, that appellant has neither paid nor made arrangement for payment of the record. Nor has appellant filed an affidavit of indigence.²

Under these circumstances, this Court may dismiss the appeal for want of prosecution.³ On October 5, 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 make arrangements

¹ See Tex. R. App. P. 34.1, 34.5(a).

² See *id.* R. 20.1(2).

³ See *id.* R. 37.3(b).

for the record and submit a status report to this Court on or before October 15, 2015. To date, appellant has not responded in any way and the clerk's record has not been filed. Accordingly, we dismiss the appeal for want of prosecution.⁴

Bob Pemberton, Justice

Before Chief Justice Rose, Justices Pemberton and Field

Dismissed for Want of Prosecution

Filed: November 10, 2015

⁴ *See id.* R. 37.3(b), 42.3(b), (c).