

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-17-00068-CV

James P. Rangel and Paula Grace, Appellants

v.

Vanderbilt Mortgage and Finance, Inc., Appellee

**FROM THE DISTRICT COURT OF CALDWELL COUNTY, 421ST JUDICIAL DISTRICT
NO. 16-0-072, HONORABLE TODD A. BLOMERETH, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellants James P. Rangel and Paula Grace filed their notice of appeal on January 25, 2017. We notified them that they were required to make a written request and arrangements to pay for the clerk's record and the reporter's record within ten days from their receipt of our letter. The clerk's record from the trial court was due to be filed in this Court on February 27.

On March 10, this Court notified appellants that no clerk's record had been filed due to their failure to pay or make arrangements to pay the fee for preparing the clerk's record. The Court's notice requested that appellants make arrangements for the clerk's record and submit a status report regarding this appeal by March 20. In addition, the notice informed appellants that their appeal was subject to dismissal if they did not comply with our instructions. To date, 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'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, 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 inability to pay court costs on appeal), Tex. R. Civ. P. 145 (providing procedure in trial court for determining party's claim of indigence), and they have 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 Chief Justice Rose, Justices Field and Bourland

Dismissed for Want of Prosecution

Filed: April 7, 2017