

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-18-00206-CV

John Mason Hughes, Appellant

v.

**Michael Twiehaus, Maria Twiehaus, and
Twiehaus Irrevocable Living Trust, Appellees**

**FROM THE COUNTY COURT AT LAW NO. 1 OF TRAVIS COUNTY
NO. C-1-CV-16-011428, THE HONORABLE ERIC SHEPPERD, JUDGE PRESIDING**

MEMORANDUM OPINION

The clerk's record in this appeal was due for filing in this Court on March 13, 2018. On May 14, 2018, we notified appellant that no clerk's record had been filed due to his failure to pay or make arrangements to pay the trial-court clerk's fee for preparing the clerk's record. The notice requested that appellant make arrangements for the clerk's record and submit a status report regarding this appeal by May 24, 2018. Further, the notice advised appellant that his failure to comply with this request could result in the dismissal of the appeal for want of prosecution. To date, appellant has not filed a status report or otherwise responded to this Court's notice, and the clerk's record has not been filed.

If a trial-court clerk fails to file the clerk's record due to an 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, appellant has not established

that he is entitled to proceed without payment of costs. *See* Tex. R. Civ. P. 145. Because appellant 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.

Jeff Rose, Chief Justice

Before Chief Justice Rose, Justices Pemberton and Field

Dismissed for Want of Prosecution

Filed: July 31, 2018