

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-19-00289-CV**

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**Margarita Brito, Appellant**

**v.**

**Norma Brito, Appellee**

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**FROM THE 53RD DISTRICT COURT OF TRAVIS COUNTY  
NO. D-1-GN-18-002530, THE HONORABLE CATHERINE MAUZY, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

The clerk's record in this appeal was due for filing in this Court on July 3, 2019. On July 8, 2019, we notified appellant that no clerk's record had been filed due to her failure to pay or arrange to pay the trial 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 July 15, 2019. Further, the notice advised appellant that her 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 she is entitled to proceed without payment of costs. *See* Tex. R. Civ. P. 145. Because appellant has failed to pay or arrange to pay the clerk's fee for preparing the clerk's record, this appeal is dismissed for want of prosecution.

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Thomas J. Baker, Justice

Before Justices Goodwin, Baker, and Kelly

Dismissed for Want of Prosecution

Filed: September 19, 2019