

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-21-00028-CV

Kerrie Renee Knauth, Appellant

v.

Jerry Knauth, Appellee

**FROM THE 395TH DISTRICT COURT OF WILLIAMSON COUNTY
NO. 15-1072-F395, THE HONORABLE DAWN ELIZABETH BAARDSEN, JUDGE PRESIDING**

MEMORANDUM OPINION

The clerk's record in this appeal was due for filing in this Court on March 9, 2021. On July 1, 2021, we notified appellant that no clerk's record had been filed due to her failure to pay or make arrangements to pay the trial clerk's fee for preparing the clerk's record. The notice requested that appellant on or before July 12, 2021, provide this Court with written verification that payment has been made for the clerk's record, written verification that payment arrangements have been made to pay for the clerk's record, or written documentation that appellant is entitled to proceed without payment of costs. *See* Tex. R. Civ. P. 145; Tex. R. App. P. 20.1. Further, the notice warned that the appeal may be dismissed for want of prosecution if the requested documentation is not timely filed. *See* Tex. R. App. P. 37.3(b). To date, appellant has not 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 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 appellant is entitled to proceed without payment of costs. *Id.* 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 make arrangements to pay the clerk's fee for preparing the clerk's record, this appeal is dismissed for want of prosecution.

Thomas J. Baker, Justice

Before Justices Goodwin, Baker, and Smith

Dismissed for Want of Prosecution

Filed: December 30, 2021